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**Place, Politics, and Property:
Negotiating Allotment for the Citizen Potawatomi, 1861 - 1891**

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**Place, Politics, and Property: Negotiating Allotment and Citizenship for
the Citizen Potawatomi, 1861 - 1891**

by

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Place, Politics, and Property: Negotiating Allotment and Citizenship for the Citizen Potawatomi, 1861 - 1891

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This study explores the varied Citizen Potawatomi responses to federal assimilation and land policies from 1861 to 1891. The professed intention for these laws and treaties was to acculturate Native Americans into American society, but there was a clear ulterior motive to drastically reduce the land base of tribes in the West. The outcomes of policies that arranged for allotment and citizenship were mixed. The federal government successfully dispossessed the Citizen Potawatomi of large quantities of land and virtually every tribal member became a U.S. citizen, but few individuals became successful farmers or businessmen. The government's efforts also unintentionally resulted in fostering a stronger tribal identity and better tribal organization to argue for the collective and individual rights of Citizen Potawatomi tribal members.

As the United States became embroiled in a devastating civil war and thousands of Americans flooded west in search of opportunity, the Citizen Potawatomi entered into a treaty agreement to allot their lands and become U.S. citizens. The Citizen Potawatomi treaty of 1861 forced tribal members to abandon the practice of holding land in common by stipulating that they must accept allotments and become U.S. citizens. Unintended

consequences of the flaws in the government's plan were the near-complete loss of lands allotted to the Citizen Potawatomi, and a muddying of their legal status. Within a decade a large percentage of tribal members were landless and sought a new home in Indian Territory. By 1872 the Citizen Potawatomi better understood how to use non-Indian methods to fight for favorable allotments and full enfranchisement in the extralegal condition that characterized both their new home and themselves.

Two decades later, when the federal government opened thousands of acres of Citizen Potawatomi lands to non-Indian settlement, tribal members had learned a painful, but strengthening lesson. To salvage a distinct tribal identity and political independence, the Citizen Potawatomi took command of their relationship with the federal government by demonstrating knowledge of the legislation that defined their legal rights and manipulating the inconsistent application of those policies.

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Introduction

Anthony Navarre, Mary Bourbonnais, and George L. Young had very little in common. Navarre was an ambitious and forceful man educated at the Choctaw Academy in Scott County, Kentucky. Mary Bourbonnais was a mother of five children who converted to the Society of Friends as an adult and taught the first Sunday school for the church on the Potawatomi reservation. George L. Young was a non-Indian man who married a Potawatomi woman, served on the tribe's Business Committee, and became an entrepreneur, running a successful ferry business in Indian Territory. These three individuals had a familial bond because they were all Citizen Potawatomi tribal members (even if only by adoption) and they are bound together in history of the Citizen Potawatomi because each one was an outspoken advocate for the rights of the tribe. Throughout the thirty year scope of this narrative these three individuals and many other tribal members put pen to paper to express their concerns and frustrations about the treatment of the Citizen Potawatomi by the federal government.¹

This project explores the relationship between those individuals and the United States government by analyzing the tribe's responses to federal assimilation and land policies of the late nineteenth century. I argue that, over time, the Citizen Potawatomi learned to leverage their previous experiences dealing with government agents, at all levels, to better argue for their rights in Kansas and Indian Territory. Even though the assimilatory processes of allotment and U.S. citizenship ultimately led to mass dispossession of the Citizen Potawatomi in both locations, it motivated them to create political structures and shape the tribe's legal status in ways that generated the

¹ The Citizen Potawatomi Nation is one of nine present-day, federally recognized tribes of Potawatomi in the United States and Canada. This dissertation will explore the origins of this distinct group.

opportunity to influence the outcome of the government's plan for their lives. The Citizen Potawatomi utilized their undefined status as both Native Americans and U.S. citizens to challenge the federal government and receive more advantageous allotment conditions in Indian Territory.

In the 1850s and 1860s, the Office of Indian Affairs put a great deal of pressure on the Citizen Potawatomi to accept allotments and U.S. citizenship as part of a concerted effort to assimilate and dispossess the Native Americans of Kansas. The Citizen Potawatomi eventually agreed to the assimilation effort, in part because they succumbed to these pressures, but they also made a conscious decision that it was a valid option for their community. Tribal members had experienced several forced removals in the preceding decades and they sought permanence and security. They wanted the social status, economic advantages, political agency, and assurance of protection from further encroachment by non-Indian settlers or another removal they *believed* private land ownership and U.S. citizenship would entail. Essentially, I argue that the politics of assimilation policies cannot be separated from lived experiences. Instead, the decisions of the Citizen Potawatomi regarding allotment and U.S. citizenship grew out of the political climate, personal experiences, feared consequences, and desires of their daily lives.

AN INDIAN POLICY OF ASSIMILATION

The assimilation policies of allotment and U.S. citizenship fully developed in the second half of the nineteenth century, after several other methods of dealing with the so-called "Indian problem" were judged inadequate. In the decades before they decided on assimilation, reformers worked to shift federal Indian policy from the forced or coerced removal of Native Americans from their ancestral territories to a policy centered on the

formation of collectively held reservations. Both of these policies resulted in exacerbating a condition of wardship and dependence on federal annuities by most Native Americans.

By the late 1880s, the allotment of individual plots of land was touted as the panacea to Indian dependency. It was conceived with the hope that Native Americans could be assimilated into the dominant Euro-American society and become self-sufficient farmers, organized in nuclear families rather than tribes, who would cease to be reliant on government aid and annuities. The lack of an official policy governing assimilation for twenty-five years after they entered into their allotment and citizenship treaty makes the case of the Citizen Potawatomi intriguing. There must be a careful distinction drawn between the years when allotment was the government's *preferred* method of dealing with Native Americans and when it became the *official* policy that forced severalty on native peoples. The Citizen Potawatomi became a test case for allotment and citizenship. The tribe experienced devastating losses, but later was able to manipulate the unrefined system to their benefit. Allotment and citizenship, as tools of assimilation, were enacted on a large scale with the passing of the Dawes Act of 1887. The Dawes Act, like the Potawatomi treaty of 1861, called for the privatization of land ownership, partnered with United States citizenship, to create the ideal circumstances for Americanization of Indians. It had certain provisions that made the regulation of the process stronger, because of the lessons learned from the experiences of the Citizen Potawatomi and other tribes in Kansas.

The Citizen Potawatomi impetus for taking allotments was less inspired than becoming accepted members of Euro-American society. They were simply looking for security and the ability to make a home that would not be taken away. Land had myriad social and cultural meanings for Native Americans, just as it did for dozens of other

ethnic and religious groups in America. For the Potawatomi, removal from the places oral tradition dictated they were meant to live, dispossession of the lands where their ancestors were buried, and the loss of sites where seasonal ceremonies took place, altered their view of land. It took on a significance that was less historical, spiritual, and culturally specific, becoming instead more material, practical, and utilitarian once they were moved west.

They attempted to rebuild their lives on the new reservations and tried to return their families to normal life. They plowed gardens and hunted game in the forests of their new homes. As one removal followed another, however, a return to their past life was hard to achieve. Therefore, it is understandable that the Citizen Potawatomi were intrigued by the promises of the 1861 treaty, that the land where they built their homes would be treated “in the like manner with the property of other citizens.”²

Unfortunately, neither the Potawatomi (nor their property) was ever truly treated like other citizens of the United States. They faced unfavorable application of their 1861 treaty rights, strapped with the burdens of property ownership and U.S. citizenship, without the accompanying protections and benefits. Frederick Hoxie suggests that the goals of the federal government’s assimilation policies were rarely met because “Indians resist[ed] the process” and “complete acceptance of [Indians] demanded more of the nation’s institutions, social values, and cultural life than the citizenry was willing to grant.”³ An alternate goal of the federal government’s commitment to a policy of assimilation was to open the Indian’s unallotted land to non-Indian settlers and businesses. This supposedly secondary goal often drove the action of these policies. After less than a

² Charles J. Kappler, *Indian Affairs: Laws and Treaties*, vol. II (Washington, D.C.: Government Printing Office, 1904), 824–828.

³ Frederick E. Hoxie, *A Final Promise: The Campaign to Assimilate the Indians, 1880-1920* (University of Nebraska Press, 2001), xix.

decade almost all of the Citizen Potawatomi who took allotments and citizenship were dispossessed and nearly destitute in Kansas. Hundreds of them availed themselves of the opportunity to move to a reservation in Indian Territory to start anew. Once there, the Citizen Potawatomi used the lessons they learned in Kansas to argue for the most favorable terms possible when their lands in the new reservation were allotted.

As a Citizen Potawatomi Nation tribal member who was raised with the history of my family and my tribe, I expected to find a relatively straight-forward tale of Native American struggle and perseverance with a clear narrative progression to property ownership and U.S. citizenship in Indian Territory. I hoped that I would discover source material that fully explained why the Citizen Potawatomi chose to drastically alter their relationship with the federal government by agreeing to the assimilationist policies of the 1861 treaty and how we came to occupy the lands of our reservation in Indian Territory. What I discovered during the research for this project was more complicated than that. The Potawatomi did not respond as a single unit to the demands of the federal government. The sheer complexity of the allotment and citizenship process pulled the tribe in many disparate directions.

One cannot talk about Native Americans, or even individual tribes, as a homogenous group. Therefore, one cannot look at Indian policies, as they are applied to the Citizen Potawatomi, as having one primary outcome of “beneficial” or “detrimental.” While the cultural destruction that often occurred because of assimilation policies was terrible, the Citizen Potawatomi realized that they were never likely to have security or cultural stability unless they had more control over their land. This realization influenced the decision of some Potawatomi to engage with the federal government’s assimilation plans and others to refuse to participate. Thus, there are as many responses to federal

assimilation policies as there are Native Americans who were forced to make the decision to accept or reject the government's efforts.

HISTORIOGRAPHY

This project focuses on the application and results of assimilation and land policies. All too often scholarship explores the development of these plans in the halls of Congress and their legacy in the annals of American history, without looking at the effect these plans had on their intended subjects. The issue of the federal government's role in developing and implementing federal Indian policies has been extensively examined and is one of the oldest specializations of Native American history. Scholars of land allotment and other assimilation efforts have predominantly approached the issue as a political one, focusing on the creation of policy.⁴

The classic work on federal Indian policy from the government's perspective is the two-volume *The Great Father* by Francis Paul Prucha, which examines the actions of colonial and national governments toward Native Americans from the seventeenth through the twentieth centuries.⁵ Prucha's particular focus is on the actions and attitudes of the presidents toward Native Americans. It is a useful resource and offers researchers a wealth of information on the climate of U.S./Indian relations over the course of American history. The Native Americans who are subject to these policies, however, are mere props in this analysis. Wilcomb E. Washburn's *Assault on Indian Tribalism*

⁴ For more on the development of U.S. Indian policy, see Brian W. Dippie, *The Vanishing American: White Attitudes and U.S. Indian Policy* (University Press of Kansas, 1991); Frederick E. Hoxie, *A Final Promise: The Campaign to Assimilate the Indians, 1880-1920* (University of Nebraska Press, 2001); Stuart Banner, *How the Indians Lost Their Land: Law and Power on the Frontier* (Belknap Press of Harvard University Press, 2007); Jeffrey Ostler, *The Plains Sioux and U.S. Colonialism from Lewis and Clark to Wounded Knee* (Cambridge University Press, 2004); Robert M. Utley, *The Indian Frontier 1846-1890*, Revised (University of New Mexico Press, 2003); William T. Hagan, *Taking Indian Lands: The Cherokee (Jerome) Commission, 1889-1893* (University of Oklahoma Press, 2011).

⁵ Francis Paul Prucha, *The Great Father: The United States Government and the American Indians*, 2 vols. (Lincoln, 1984);

narrows the focus from Prucha's epic scope to look at allotment under the Dawes Act of 1887, but it is still a top-down assessment of the policy. It specifically explores the motivations and reasoning behind the allotment law, as well as the national political climate that produced it.

Both of these analyses were useful resources in the course of this study, but they focus on the agenda and actions of the federal government and its agents without explaining the Native American response. They consider ideas about Native Americans rather than being histories that truly engage their Native American subjects. They assess neither the complexity of Native American reactions to assimilation efforts, nor the significant ways land ownership and citizenship (re)shaped power relations between allottees and the federal government, non-Indian settlers, or the impact it had on relationships of allottees to one another.

In the last two decades, scholars have better considered the cultural ramifications of allotment on Native American communities.⁶ A particularly strong case study, and one of the best models for this project, is Emily Greenwald's *Reconfiguring the Reservation*.⁷ Greenwald examines allotment under the Dawes Act for the Nez Perce and the Jicarilla Apache, with an emphasis on how both tribes challenged the assimilationist goals of the U.S. government by using their choice of allotments as a method of spatial expressions of power over their culture and economy. They chose plots that had cultural meaning, such as sacred or ceremonial sites or places where their ancestors were buried rather than land that was good for farming. Like Greenwald's analysis, my study will

⁶ For an assessment of specific tribal responses to the policy of allotment see Rose Stremmler, *Sustaining the Cherokee Family: Kinship and the Allotment of an Indigenous Nation* (The University of North Carolina Press, 2011); James Oberly, *The Oneida Indians in the Age of Allotment, 1860-1920*, ed. Laurence M. Hauptman and L. Gordon McLester, First (University of Oklahoma Press, 2006), 179–200.

⁷ Emily Greenwald, *Reconfiguring the Reservation: The Nez Percés, Jicarilla Apaches, and the Dawes Act* (University of New Mexico Press, 2002).

reveal a complex process in which Native Americans rarely gained the upper hand over the government, but they nevertheless exercised initiative and creativity within a system of domination.

Coupling Greenwald's analysis of tempered resistance with the work of Brad D.E. Jarvis in *The Brothertown Nation of Indians* provides the best roadmap for the challenges of this project.⁸ Jarvis also looks at assimilation efforts within a distinct group. His work is particularly enlightening for this study because he is one of the few historians who analyzes a community that took allotments before the Dawes Act and explore the complications they faced.⁹ As was the case with the Citizen Potawatomi, neither the Brothertown Nation nor the federal government fully understood how the allotment or citizenship process would work for these Indians. Only a limited number of Native Americans came under a policy of allotment before the passage of the Dawes Act, therefore these early experiences with allotment have been largely ignored in scholarly literature.¹⁰

Approaching the subject of assimilation and land policies as a case-study and from a methodological framework of socio-cultural history the Citizen Potawatomi will allow me to blend the strengths of both the top-down approach and the more contemporary ethnohistory process to create a more holistic picture of what the policies meant for these individuals. These historical monographs proved to be especially helpful in determining how I would organize and research this study. Two other works,

⁸ Brad D. E. Jarvis, *The Brothertown Nation of Indians: Land Ownership and Nationalism in Early America, 1740-1840*, 1ST ed. (University of Nebraska Press, 2010).

⁹ Another monograph that looks at pre-Dawes allotments is Mary Elizabeth Young, *Redskins, Ruffleshirts, and Rednecks: Indian Allotments in Alabama and Mississippi 1830-1860* (University of Oklahoma Press, 2002).

¹⁰ According to the Annual Report to the Commissioner of Indian Affairs 7,673 allotments had been made by the time that the Dawes Act passed in 1887, but in 1861 allotment was rare. Department of the Interior, *Report to the Secretary of the Interior* (Washington, D.C.: Government Printing Office, 1886) 692.

however, were particularly influential in shaping my perception and interpretation of the Citizen Potawatomi's role in the process.

In 1987, historian R. David Edmunds wrote an article for *The Chronicles of Oklahoma* titled, "Indians as Pioneers." In the article Edmunds argues that the Potawatomi, along with the other Great Lakes tribes, including the Shawnee, Delaware, Wyandot, Seneca, and Miami, removed west of the Mississippi River, were pioneers. Edmunds is careful to qualify his argument by acknowledging that the Potawatomi were not part of the romanticized ideal that has come to be associated with pioneers as "hardy men and women who trekked west to open the 'wilderness' for the American dream."¹¹ Edmunds' definition of the Potawatomi as pioneers is not this simplistic. Instead, he notes that they were "the first large numbers of 'settlers' to move onto the eastern fringes of the Great Plains."¹² He further complicates the label by pointing out that they were still "eastern tribesmen who were fleeing the political and economic disruption sweeping through their old homelands."¹³

Edmunds' main arguments for asserting that the Potawatomi, and other emigrant tribes from the Great Lakes, were pioneers were their "frontier experience[s]." He notes that these tribes moved into Kansas, battled with the indigenous tribes of the region, and engaged in varied levels of frontier commerce – just as non-Indian pioneers did. His thesis is thought provoking and explores some fascinating aspects of Potawatomi life in Kansas, but it is a reactionary label. He argues that "just as European pioneers had once forced them from their lands in Michigan and Indiana, the Potawatomis emerged as the

¹¹ R. David Edmunds, "Indians as Pioneers: Potawatomis on the Frontier," *Chronicles of Oklahoma* 65 (1987): 340.

¹² *Ibid.*, 342.

¹³ *Ibid.*

new pioneers who challenged the hegemony of the western tribes.”¹⁴ This statement is true, but unlike the European pioneers, the Potawatomi were not given a choice.

Edmunds’ article called for further research on the topic to better understand these relationships. Twenty years later, historian John Bowes answered that call and built upon Edmunds’ analysis to assert that these Great Lakes tribes were indeed pioneers, but he complicated the label by arguing that they were also exiles, or “a population that needed to move beyond the boundaries of the established nation until they could assume a place in American society.”¹⁵ By embracing both classifications for the native peoples removed west of the Mississippi River, Bowes adeptly deconstructs the notion that removal was the end of the Potawatomi’s political activism and the beginning of their total domination by the American government.¹⁶ Instead, he illustrates that many of these tribes were able to exploit the federal government’s failed consistency to apply removal policies.

Both of these labels, pioneers and exiles, are applicable to the Potawatomi. Analyzing them in this framework complicates this narrative and shows the varied responses the Citizen Potawatomi had to assimilation policies. In the literal sense the Potawatomi were pioneers. They were some of the earliest settlers to farm land west of the Mississippi River, with varying levels of success. They had to do everything they could to survive in their new homes, and over time, learned that they had to be as forceful and unwavering in their rights to claim contested lands as non-Indian settlers. As one can see from the above cited works, this project will help develop the growing field of tribe-

¹⁴ Ibid., 345.

¹⁵ John P. Bowes, *Exiles and Pioneers: Eastern Indians in the Trans-Mississippi West* (Cambridge University Press, 2007), 4.

¹⁶ For more on the shifting balance of power between Indian nations and the federal government see Richard White, *The Middle Ground: Indians, Empires, and Republics in the Great Lakes Region, 1650-1815* (Cambridge University Press, 1991).

specific studies about the application of Indian policies, aid in filling a void in the historiography of allotment before it became the official policy of the federal government, and complicate the narrative of Native American's roles in the settling of the West.

The works referenced above will serve as guides in my endeavor to place the Citizen Potawatomi's experience within a social, political, and legal context of rapidly changing U.S./Native American relations of the late nineteenth century. As an ethnohistory this dissertation will look at how the Citizen Potawatomi saw themselves and their relationship to the government through their responses to assimilation and land policies. As a work of scholarship about Indian policy, there will be a critical analysis of how the Citizen Potawatomi's experience influenced the development of a monolithic allotment policy.

ORGANIZATION AND METHODOLOGY

I have arranged this study into three loosely divided sections. Chapter 1 is a chronological history of the Potawatomi that covers almost a millennium. I chose to create a broad spectrum history to open this study because it is important to understand the tribe's historic cultural practices and social structures, along with their past relationships with the U.S. government (as well as with each other) if one is to understand why they made the decisions they did in the late nineteenth century.

Chapters 2 and 3 are companion chapters that roughly cover the years following the Citizen Potawatomi allotment and citizenship treaty, from 1861 to 1869. Chapter 2 specifically looks at the history of Kansas during this period and analyzes what was happening politically, as well as how and why the laws and Indian policies applied to the Native Americans in this region operated the way they did. It considers the local effects

of broader reaching events like the Civil War and the Homestead Act, because “American Indians [sic] did not live in isolation from events that comprised the narrative of American history.”¹⁷ By exploring how regional interests shaped the implementation of federal policies in specific areas we can better understand the breakdown between the stated goals of those policies and the outcomes.

Chapter 3 examines the Citizen Potawatomi’s lived experience with their allotment and citizenship treaty of 1861. The OIA’s intention was to assimilate the Citizen Potawatomi by assigning them to private plots of land, that they were to farm, and making them citizens of the United States, thereby subject to federal and state laws. A second goal was to bring as much of the land as possible under the control of non-Indian settlers and businesses. Through a series of circumstances, including poor planning and the desire for personal gain, none of these goals were met with any substantial success. Within eight years of their allotment and citizenship treaty most of the Citizen Potawatomi were landless and searching for a chance to start over.

Chapters 4 and 5 are also paired. The chronological scope of these chapters begins in 1869, when the Citizen Potawatomi made the journey to Indian Territory to select a new reservation after their dispossession in Kansas. I continue the narrative to 1891, when the Citizen Potawatomi reservation was opened to non-Indian settlement through a land run. Chapter 4, again, provides a larger history of the region under consideration to illustrate how the circumstances and conditions of Indian Territory shaped the policies the OIA applied to the Citizen Potawatomi and other Native Americans. Indian Territory was home to more than a dozen tribes during this period, and fell outside of the laws of the U.S. because it was not legally an organized territory.

¹⁷ Bowes, *Exiles and Pioneers*, 3.

Both of these circumstances complicated the process of applying assimilation and land policies. The final chapter looks at the details of policies that were specific to the Citizen Potawatomi and more broadly applied, to discover how they impacted the Citizen Potawatomi. It considers the experiences of the tribe with allotment and citizenship in Kansas to argue that the Citizen Potawatomi learned use the weaknesses of these policies, along with their unclear legal status, to benefit their cause.

Examining the history of the Citizen Potawatomi responses to displacement, dispossession, citizenship and allotment results in a project that encompasses elements of ethnohistory, Indian policy history, legal history, and socio-cultural history; thereby falling under the ubiquitous heading of “new Indian history.” As a result, my analysis will address a few central questions of these genres. What was the nature of the power relationship between the federal government and the Citizen Potawatomi and how did it change throughout the scope of this study? What was involved in individual Indians’ decisions to accept federal assimilation policies like allotment and citizenship, or to resist them? How was property ownership and US citizenship used by both the Citizen Potawatomi and the federal government to advance their own agendas and how did each group’s understanding of these concepts change over time, especially as they were confronted with the benefits and shortcomings of each policy? Did Citizen Potawatomi socio-cultural elements, such as conceptualizations of land, removal experiences, past relationships with the government, form of tribal governance, and ideologies of independence and self-sufficiency influence their response to federal policies?

A few key terms utilized throughout this study require a brief definition. When discussing the relationship between the Citizen Potawatomi and the actors in the United States government who had a role in Indian relations I try to be as specific as possible. I will note that the action was taken on the part of the Office of Indian Affairs, the

Secretary of the Interior, the Indian agent, etc. This is not always possible, because general Indian policy was often shaped by the President, members of Congress, and other interested parties. When it is more ambiguous who is driving the action or decisions about policies I will generally use the term federal government.

When referencing the peoples who inhabited North America before the arrival of Europeans and were indigenous to the regions under consideration, I use Native American, indigenous peoples, and Indian interchangeably. Whenever possible I use the proper name for individual tribes – Citizen Potawatomi, Prairie Band Potawatomi, Absentee Shawnee, Seminole – to respect that these tribes have identities as separate nations. In referring to the people who participated in the dispossession and removal of Indian peoples I primarily use the term non-Indian to recognize that many groups, including American citizens, immigrants, freedmen and other participated in this activity. When it is appropriate I also use the term American as a descriptor.

Though the federal government intended to dissolve the tribal structure, agency, and land tenure of the Citizen Potawatomi, the inconsistent application of assimilatory methods rendered them failures. Over the course of three decades, the Citizen Potawatomi worked together to guarantee the best possible results for their tribe. By examining the fundamentals of the Citizen Potawatomi experience, this project will reveal the nuances of a complicated story of negotiation, adaptation, and survival.

Chapter 1: A Face of Brotherhood or a Face of Death

In 1838 Governor David Wallace of Indiana assigned the task of removing the state's remaining Potawatomi population to General John Tipton and Colonel Abel C. Pepper. Settlers were flooding into the area and the Governor feared the conflicts and violence he believed was inevitable if Native American nations lived alongside a more "civilized" American population. In early September, General Tipton called for a council at Menominee's village near Twin Lakes to discuss the issue of removal with tribal leaders. For years hundreds of families resisted removals west arranged by treaties signed in 1834 and 1836 between the United States and their Potawatomi kinsmen.¹⁸ When the Potawatomi arrived at the village chapel, Menominee, Black Wolf, and Peepin-ah-waw and other leaders were bound as prisoners.¹⁹ The rest of the tribal members present learned that they would be removed to new lands in the West in a few days. Under the monitoring of military guards they were not given the opportunity to gather personal belongings or adequately prepare for the daunting journey. The volunteer militia of roughly one hundred men accompanying General Tipton scoured the surrounding forests, indiscriminately gathering every Indian they found within a few dozen miles from the camp.

¹⁸ More than a dozen individual land cession treaties were signed in those years. They are commonly referred to as the Whiskey Treaties because alcohol was supplied to certain individuals to induce them to sign away the land rights for their entire village. Others were signed by Potawatomi who wanted to distance themselves from the onslaught of Euro-American settlers and needed little persuasion. Menominee and leaders close to him signed a treaty on October 26, 1832 ceding certain portions of their land in exchange for twenty-two sections of land for them to remain on and live in Indiana. He never signed a treaty promising to remove from the state. Kappler, *Indian Affairs: Laws and Treaties*, II:428–472.

¹⁹ Department of the Interior. *Annual Report of the Commissioner of Indian Affairs* (Washington, D.C.: Government Printing Office, 1838) 437. [Hereafter cited as RCIA.] Spelling is taken from the Potawatomi treaty signed on August 5, 1836 at the Yellow River found in Kappler, II:462–463.

On the morning of September 4, 1838, a band of 859 Potawatomi, with their leaders restrained in the back of a wagon, set out on a forced march from their homeland in northern Indiana for a small reserve in present-day Kansas.²⁰ To minimize the temptation for the Potawatomi to try to escape and return home militia members burned both fields and houses as the dejected members of the wagon train departed. The journey was a 660-mile trek for which the Potawatomi were not prepared and through terrain to which they were not accustomed. The heat was oppressive and water was often scarce. They had only a few hundred horses to carry people and supplies, and promised additional wagons did not arrive before their departure; so, even the weak and elderly were forced to walk. The pace and conditions of the march debilitated the health of the travelers. A day rarely passed that a member of the party did not die, usually a child, forcing their bereft and exhausted families to leave the bodies behind in hastily dug graves. In the end more than forty people died during what the Potawatomi came to call the Trail of Death. On November 4, exactly two months after they set out for the reservation in the West, the ragged group arrived in Kansas.²¹

This opening account of the Trail of Death, the best documented Potawatomi removal, tells only a fraction of the story of the tribe's removal from its ancestral home in the woodlands of the Great Lakes.²² The history of Potawatomi displacement is filled

²⁰ Present-day Kansas was part of a larger territory known as the Indian Territory at the time. This area was carved out of the Louisiana Purchase.

²¹ Roughly six hundred and fifty people arrived in Kansas of the more than eight hundred that left Indiana. About forty died and the rest deserted. Irving McKee, *The Trail of Death: Letters of Benjamin Marie Petit* (Indianapolis: Indiana Historical Society, 1941), 106; Dwight L. Smith, ed., "A Continuation of the Journal of an Emigrating Party of Potawatomi Indians, 1838, and Ten William Polke Manuscripts," *Indiana Magazine of History* 44, no. 4 (December 1, 1948): 393–408.; a more antiquated account can be found in Otho Winger, *The Potawatomi Indians*, Reprint (The Elgin Press, 1961), 43–54.

²² The experiences on the Trail of Death are well documented in the travel diary of Fr. Benjamin Petit, a priest who lived with and ministered to the Potawatomi in Indiana. At the last minute he was granted permission from Bishop Bruté to accompany the Potawatomi to Kansas to tend to the spiritual needs of the Catholics among them. McKee, *The Trail of Death: Letters of Benjamin Marie Petit*; George Winter, *The Journals and Paintings of George Winter, 1837-1839* (Indianapolis: Indiana Historical Society, 1948).

with awe inspiring stories of triumph and infuriating accounts of tragedy. They constantly faced pressure to adapt to the customs of Euro-American settlers or simply disappear in the face of encroaching “civilization.”

There is no single, master narrative of Potawatomi removal. Unlike the well-documented Cherokee Trail of Tears (which occurred the same year as the Potawatomi Trail of Death) and removals of other southeastern tribes, the military rarely coordinated Potawatomi removals and they never included thousands of tribal members.²³ Instead, the peoples known collectively as the Potawatomi endured dozens of removals, each predicated by circumstances unique to each village or geographic area. Some removals only consisted of a few dozen family members, and others of several villages.

The removals of the 1830s - 1850s were important catalysts in the historical narrative of the Potawatomi history that followed. The strain placed on tribal members as a result of their displacement led to three decades of chaos, uncertainty, and struggle for survival that shaped the existence of the Citizen Potawatomi in Kansas and Indian Territory from the 1860s to the 1890s. The tribe’s history during these years is dominated by a narrative of tribal members’ attempts to rebuild their lives after leaving behind their homeland. Understanding the circumstances by which they came to live in unfamiliar western surroundings helps one appreciate the varied responses of separate Potawatomi groups to federal pressures to make political and personal decisions about the futures of their families and their community.

²³ Colonel Abel C. Pepper, subagent for Indiana, was first assigned to organize the removal of Indians from the territory in 1833. That year almost 250 Potawatomi were gathered at Logansport. Most of them fled before he could pressure them to remove to the West, but almost seventy individuals crossed the Mississippi River. McKee, *The Trail of Death: Letters of Benjamin Marie Petit*, 18. The literature on the Cherokee Trail of Tears is extensive. A few of these works include John Ehle, *Trail of Tears: The Rise and Fall of the Cherokee Nation* (Anchor Books Doubleday, 1988); Theda Perdue and Michael D. Green, *The Cherokee Removal: A Brief History With Documents* (Bedford/St. Martin’s, 2005) and Theda Perdue and Michael Green, *The Cherokee Nation and the Trail of Tears*, Reprint (Penguin Books, 2008).

PRE-CONTACT LIFEWAYS

The Potawatomi, or Bodewadmi, were part of an immense group of Algonquian-speaking peoples who migrated inland from the eastern shores of North America to settle throughout the Great Lakes before the arrival of Europeans. This group is traditionally known as the Neshnabek, a branch of an historic confederacy that also included the Ojibwe and the Odawa.²⁴ The Neshnabek confederacy is referred to as the Three Fires Council; each group played a unique role in service to the alliance. The Ojibwe, the eldest brother, were the Keepers of the Faith and Medicines. Their role in the alliance was to watch over the teachings of the Midewewin Lodge, a spiritual society, and carry sacred knowledge through the generations. The Odawa, the middle brother, were the Keepers of the Trade and the alliances that made trade possible. They were responsible for coordinating food and supplies needed by the communities. The Potawatomi, the Keepers of the Fire, were the youngest brother; they were responsible for tending the council fire of the Neshnabek confederacy.

Fire holds myriad meanings for Neshnabek people and is at the center of almost all social, cultural and spiritual events. Lighting a fire symbolically began a council and it continued burning until the business of the meeting was concluded. It also burns the tobacco and other medicines that send the prayers of the Neshnabek to the Creator. It was these spiritual beliefs and practices that served as the backbone of the confederacy. The three Neshnabe groups also had similar lifeways that supported their robust military and commercial alliances.²⁵

²⁴ These tribes are also known as the Chippewa and the Ottawa respectively.

²⁵ Gary Mitchell, *Stories of the Potawatomi People from the Early Days to Modern Times* (Shawnee, OK, 1996), 8; R. David Edmunds, *The Potawatomi - Keepers of the Fire* (University of Oklahoma Press, 1980), 3–4; Joseph F. Murphy, *Potawatomi of the West: Origins of the Citizen Band* (University of

Oral tradition told over a millennium explains that the Neshnabek were intermittently visited by seven prophets. These prophets spoke of coming events the Neshnabek would have to overcome – these prophecies are referred to as the Seven Fires.²⁶ The first three prophets foretold of the people's necessary migration from the northeastern shores of North America, or Turtle Island, south and west into the woodlands of the Great Lakes region lest they face destruction. It was prophesied that cultural loss would be inevitable along the way, but a boy would be born who would lead the people back to traditional ways. The prophets told the Neshnabek that their search for a homeland would come to an end when they found a place where food grew on the water. When they arrived on the shores of the Great Lakes and encountered wild rice, which grows in the water along the shores, the Neshnabek knew the prophets had spoken the truth and they had arrived at their destined home. Along this journey the larger Neshnabek tribe separated into the three distinct groups we now recognize as the Ojibwe, Odawa, and Potawatomi, but the spirit of the alliance continued. Each group settled into their new surroundings and reestablished ancient survival practices, social norms, and sacred practices.

The Potawatomi survived primarily by hunting and gathering, but limited agriculture was also practiced. The Potawatomi hunted and trapped according to the seasons, procuring food from a variety of game, including deer and elk, and small

Michigan Library, 1988). According to Murphy the early Jesuit missionary, Jean Claude Allouez, first documented the translation of Potawatomi and used it in reference to the Potawatomi and their neighbors in 1670. The earliest written accounts of Potawatomi/European contact were left by missionaries. For a broader account of missionary activity in the Great Lakes see Susan Sleeper-Smith, *Indian Women and French Men: Rethinking Cultural Encounter in the Western Great Lakes* (University of Massachusetts Press, 2002); Reuben Gold Thwaites, *The Jesuit Relations And Allied Documents: Travels And Explorations Of The Jesuit Missionaries In New France, 1610-1791*, Reprint (Lawbook Exchange Ltd, 2007); and Gilbert Joseph Garraghan, *Jesuits of the Middle United States*, 3 vols., First Edition (Loyola Press, 1984).

²⁶ The text of the Seven Fires prophecies are my retelling of the narrative as it was told to me.

mammals. Fishing was practiced year round and the Potawatomi were well known for their proficiency at spear fishing, night fishing (in which a torch was attached to the canoe) and ice fishing. The semi-sedentary lifestyle of the Potawatomi was aided by harvesting wild rice, the cultivation of a host of domesticated crops, including beans, corn, and squash (known as the Three Sisters), as well as gathering wild berries, nuts, and vegetables.²⁷

The Potawatomi functioned within a social structure that included a strong communal lifestyle in which individuals were bound together through ties of kinship, custom, and mutual necessity.²⁸ Communities built their villages around clan systems and extended families. Villages were small and scattered in the winter, so that hunting parties could adequately provide food for everyone. Their transient lifestyle meant that the Potawatomi lived in different areas from one season to the next. In their summer villages, the Potawatomi built wigwams made of birch and cedar. The frames were durable and only required replacement or repair of the bark covering from one year to the next. In the winter they often lived in a *nswe'ogen* (three poles), a conical structure covered in bark, that could be easily moved to follow herds.²⁹ Several villages, or bands,

²⁷ R. David Edmunds, *The Potawatomis: Keepers of the Fire* (University of Oklahoma Press, 1987), 15–16; Robert E. Ritzenthaler and Pat Ritzenthaler, *The Woodland Indians of the Western Great Lakes* (Waveland Printing, Inc., 1991) 19-28. In addition to supplementing their diet, berries were used in Potawatomi spiritual practices.

²⁸ It would be inaccurate to describe the Potawatomi at this point as a “tribe” by the modern use of the word, which Joanne Barker describes as Native groups that “possess federal recognition status and all commensurate rights under the law, including the right to self-government, sovereign immunity, and tax exemption” Joanne Barker, *Native Acts: Law, Recognition, and Cultural Authenticity*, 1st ed. (Duke University Press, 2011), 27. The anthropological definition of a tribe would apply. In these terms a tribe is described as a broad category in the classification of sociopolitical systems with general characteristics of: unilineal kinship, use of subsistence horticulture or pastoralism, lack of a means for formal political succession, relative egalitarianism, and pan-tribal sodalities. Ted C. Lewellen, *The Anthropology of Globalization: Cultural Anthropology Enters the 21st Century* (Greenwood Publishing Group, 2002), 207.

²⁹ George Bryce, *A Short History of the Canadian People* (S. Low, Marston, Searle & Rivington, 1887), 100–101; Heidi Bohaker, “Nindoodemag: The Significance of Algonquian Kinship Networks in the Eastern Great Lakes Region, 1600-1701,” *William and Mary Quarterly* 63, no. 1 (2006): 25-26.

within a region came together in the spring and summer when food was more abundant for important ceremonies and seasonal events, like maple syrup tapping, berry festivals, and rites of passage.³⁰

Traditionally, individual communities were led by village approved councils and headmen whose power stemmed from their relationship with, and influence over, the people. Leaders who wielded authority enjoyed the privilege because people respected their opinions enough to heed their advice. The ideal headman possessed characteristics such as: prowess in battle, oratory skills, and generosity to family and neighbors. Leaders used this authority and power for moral suasion to create alliances and build relationships with councils and headmen of other Potawatomi communities and neighboring tribes. Numerous village leaders, as well as individuals from religious and warrior societies, often comprised village and regional councils. The tribal community appointed ceremonial chiefs to conduct important annual and occasion-specific rites. This was not a permanent position – the village could appoint a new leader, usually from a religious society, from one year to the next.³¹

By the early seventeenth century the Potawatomi lived as far north as upper Wisconsin and south into present-day Indiana. Colonists and government officials began to distinguish distinct groups of Potawatomi by regional descriptors such as: Potawatomi of the Prairie or Woods, or more specifically, Potawatomi of the St. Joseph or Wabash

³⁰ W. Vernon Kinietz, *The Indians of the Western Great Lakes, 1615-1760* (University of Michigan Press, 1965), 314. A band is a relatively small and loosely organized kin-ordered group that inhabits a common territory and that may split periodically into smaller family groups that are politically and economically independent. William A. Haviland et al., *Cultural Anthropology: The Human Challenge* (Cengage Learning, 2010), 284.

³¹ Mitchell, 15-17; White, *The Middle Ground*, 16–17. For an early twentieth century ethnological description of Prairie (and to some degree Woodland) Potawatomi social structure see Alanson Buck Skinner, *The Mascoutens of Prairie Potawatomi Indians: Social Life and Ceremonies* (Greenwood Press Reprint, 1970). Skinner does assert that at some point in pre-contact history tribal chieftainship predominantly came from within the Fish or Bear clan, other sources claim the Loon and Crane clans.

rivers.³² Villages and bands of Potawatomi appropriated skills, habits, and social customs from their neighbors and adapted to new surroundings. Groups developed distinct socio-cultural habits in each band, or even village, making the concept of a meta-tribal identity secondary to that of the region or immediate community. These groups continued to come together for seasonal events, like hunting, as well as special occasions, like war or councils.

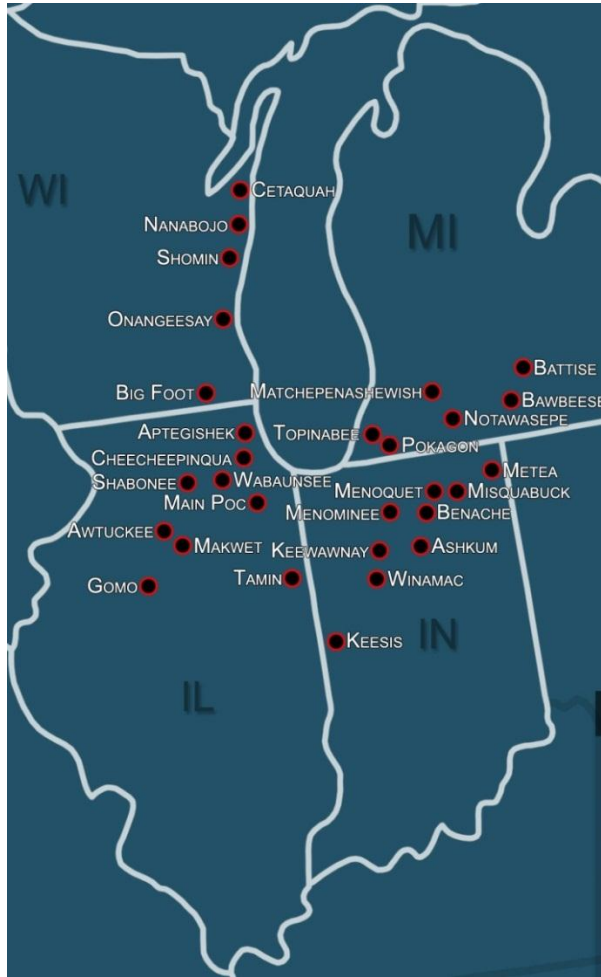


Figure 1: Potawatomi villages in the 1830s, by name of leaders. (Courtesy of the Citizen Potawatomi Nation Cultural Heritage Center.)

³² Thomas G. Conway, "Potawatomi Politics," *Journal of the Illinois State Historical Society (1908-1984)* 65, no. 4 (December 1, 1972): 398–399; Kappler, *Indian Affairs: Laws and Treaties*. The geographic descriptions of Potawatomi villages are detailed in the treaties.

In the late seventeenth century, eastern tribes such as the Iroquois, moved west in search of new territory and to escape the advance of European settlers. The tribes from the East fought over territorial boundaries with tribes who had lived in the Great Lakes region for generations, further scattering the already dispersed communities. This diaspora, fluid migratory patterns, and appropriation, often minimized the apparent differences in appearance and lifestyle between the Potawatomi and their Ho-Chunk, Odawa, or Miami neighbors.³³ It is also plausible that if an early explorer or trader encountered numerous Potawatomi villages it was not immediately apparent to them that the groups were part of the same tribal affiliation. Likewise, linguistic differences may have been indistinguishable to foreign ears, since several tribes in the region spoke Algonquian dialects, contributing to an unclear separation for outsiders.³⁴

THE ARRIVAL OF EUROPEANS AND CHANGING POTAWATOMI SOCIETY

After their arrival in the Great Lakes region between 1200 and 1500 C.E., the Neshnabek were visited by two more prophets who foretold the coming of a light-skinned race in the time of the Fourth Fire.³⁵ They promised that if the light-skinned people came with a face of brotherhood a period of growth and sharing old and new traditions would follow, leading to the development of a mighty nation. If they came with a face of death and carrying weapons, however, a period of great suffering for the Neshnabek people, and all the people of Turtle Island, would follow. The prophets warned that the face of brotherhood and face of death look very similar, and urged the Neshnabek to be wary of the newcomers.

³³ The Ho-Chunk are also known as Winnebago.

³⁴For more on the conflict between the Iroquois and Great Lakes tribes see White, *The Middle Ground*, 1–49.

³⁵ Edmunds, *The Potawatomis - Keepers of the Fire*, 3.

The light-skinned race did come, but it was not clear which face the Europeans wore. The first mention of the Potawatomi came from a report written by French explorer Samuel de Champlain in 1615 from Lake Huron.³⁶ The Potawatomi first experienced direct European contact a few decades later when Jean Nicolet, a French trader and adventurer, arrived on the shores of Green Bay in 1634 seeking a water passage to Asia. Soon after Nicolet made contact more Frenchmen arrived including other trappers, explorers, and Catholic missionaries.³⁷ For a while it seemed that the new arrivals came in peace and that prosperity would follow. The French carried goods, including steel knives, axes, copper kettles and firearms, into the interior in exchange for furs trapped and prepared by Neshnabek men and women.³⁸ These items made daily life easier for the indigenous peoples with whom they traded, and they eventually also allowed the Native communities that possessed them to dominate their neighbors, creating and exacerbating tension and fostering violence.³⁹

From the end of the seventeenth century through the middle of the eighteenth century, the Potawatomi met and negotiated with French traders and trappers as equals, leading to a generally agreeable relationship. As a result of this perceived equality, both

³⁶French traders Pierre-Espirit Radisson and Medart Chouart de Groseillers were the first traders to live among the Potawatomi. For a more extensive examination of Potawatomi history in the colonial and early republic periods see Edmunds, *The Potawatomis - Keepers of the Fire.*; Murphy, *Potawatomi of the West*; John P. Bowes, *Exiles and Pioneers: Eastern Indians in the Trans-Mississippi West* (Cambridge University Press, 2007); For a discussion of Native Americans, including the Potawatomi, in the colonial Great Lakes region see Jennifer S.H. Brown et al., *New Peoples: Being & Becoming Métis in North America* (Minnesota Historical Society Press, 2001); Kathleen DuVal, *The Native Ground: Indians and Colonists in the Heart of the Continent* (University of Pennsylvania Press, 2007).

³⁷ James A. Clifton, *Potawatomi* (Chelsea House Pub (T), 1994), 20–23. Nicolet's exploration trip was recounted by Father LeJuene in Edna Kenton, ed., *The Jesuit Relations And Allied Documents: Travels And Explorations Of The Jesuit Missionaries In North America 1610-1791* (Kessinger Publishing, LLC, 2006), 47–48.

³⁸ James A. Clifton, *The Prairie People: Continuity and Change in Potawatomi Indian Culture, 1665-1965*, REV (University Of Iowa Press, 1998), 3.

³⁹ Carol H. Behrman, *The Indian Wars* (Twenty-First Century Books, 2004), 20; Armstrong Starkey, *European and Native American Warfare, 1675-1815* (University of Oklahoma Press, 1998), 20.

groups were open to cultural adaptation and to the influences of the other. Unlike early English settlers, most French arrivals to North America (especially those traveling into the interior) were trappers and adventurers who did not seek to establish ideologically restrictive communities structured around European religious and social customs. They came for opportunity and profit, which required the active assistance and cooperation of trustworthy Native Americans to help acquire furs. Becoming an accepted member of the native community was good for business.⁴⁰

Evidence of the close relationships between the French and the Potawatomi is seen in the large number of French surnames and métis children in the tribe as a result of intermarriage between French men and Potawatomi women.⁴¹ These unions initiated a cultural exchange that could be called assimilation, but what the Potawatomi and French likely viewed as accommodation, or adopting new sets of behavior into their culture to strengthen it and take advantage of new trade opportunities. The accommodation of societal differences went both ways.

Trappers and traders were not the only Europeans to see great opportunity among the peoples of the Great Lakes. Missionaries journeyed from France and other European

⁴⁰ Susan Sleeper-Smith refers to the interaction between Frenchmen and Indians of the Great Lakes region as “a laboratory of social experimentation” and generally draws on the thesis of Richard White’s *The Middle Ground* that both Indians and French traders evolved in their relationships with one another. They first regarded one another as foreign and “Other,” eventually coming together to create new meanings and understandings as a way to coexist and flourish. The relationship eventually became one in which Native Americans were forced to bend to the will of Europeans and Americans. Native Americans became more dependent on technology and goods provided by Europeans for dominance over neighboring villages and tribes, and even their basic survival. As a result they were pushed into a role of outsider or alien in their own homelands allowing European empires and the American government to take more control. For several decades, however, the game was played on a field the Potawatomi and other Native Americans recognized as their own. Sleeper-Smith, *By Susan Sleeper-Smith - Indian Women and French Men*, 2; White, *The Middle Ground*.

⁴¹ Susan Sleeper-Smith notes in *Indian Woman and French Men*, that though there was extensive intermarriage with French fur traders and conversion to Catholicism on the part of Indian women, they did not turn into French housewives. They insisted on keeping their traditional division of work in which agriculture was the responsibility of females.

countries into the land of the Neshnabek with the express purpose of converting the Native American population to Christianity. The arrival of these missionaries was also foretold by a prophet who visited the Neshnabek. He warned that in the time of the Fifth Fire individuals would come who assured glory and salvation if the people would accept the newcomers' ways and abandon the teachings of their ancestors. The prophet cautioned that if the people accepted the new teachings and forsook ancient traditions the Fifth Fire would scorch the people for many generations because missionaries' promises were false.

The first missionaries to establish themselves among the Potawatomi were Jesuits, who arrived in 1634. The Potawatomi practice of living in autonomous villages meant that missionaries met with varying degrees of success at conversion. Despite the instruction of the prophet, some villages abounded with residents open to the teachings of Christianity while others totally rejected the newcomers and their message. The vast majority of Potawatomi who converted to Christianity seemed to heed the warnings about the Fifth Fire by adopting the primary tenants of the faith and blending it with traditional Potawatomi spiritual practices. The Jesuits were followed by priest, monks and nuns of various orders as well as missionaries of numerous Protestant denominations. Each group believed it crucial to save the souls of North America's native population and each year they traveled deeper into the interior proselytizing and seeking converts.

By the early nineteenth century dozens of Catholic missions dotted the landscape of the Great Lakes region.⁴² Hundreds of missionaries were scattered throughout trading posts and communities. They had particularly strong missions in the areas around what is

⁴² Chrysostom Verwyst, *Missionary Labors of Fathers Marquette, Menard and Allouez, in the Lake Superior Region* (Hoffmann Brothers, 1886).

now Chicago and Detroit.⁴³ The Catholic Church, while dominant in the region, did not go unchallenged in the battle for the souls of the native population. Baptist missionaries like Isaac McCoy, who opened Carey Mission in 1820 to service the Michigan Potawatomi near the St. Joseph River, and Methodists, who operated a seminary in Spring Arbor, Michigan in the 1830s, were also influential.⁴⁴ Many of these missionaries played key roles in the treaty negotiations that every Potawatomi village faced during this period. Some, like McCoy, favored removal and fought for the distancing of their Potawatomi flock from what he considered the corrupting influences of non-Indian frontier culture.⁴⁵ Other Potawatomi villages, like that of Leopold Pokagon, used their conversion and relationship with the local Catholic parish to negotiate agreements saving them from removal to west of the Mississippi River.⁴⁶

⁴³ Gilbert Joseph Garraghan, *Jesuits of the Middle United States*, First ed. (Loyola Press, 1984), 423. Some of these missions include St. Francis Xavier and a mission on the St. Joseph River, both founded by Father Claude Allouez.

⁴⁴ For more on these missions see Isaac McCoy, *History of Baptist Indian Missions: Embracing Remarks on the Former and Present Condition of the Aboriginal Tribes: Their Settlement Within the Indian Territory, and Their Future Prospects* (W.M. Morrison, 1840); Timothy S. Smith, *Missionary Abomination Unmasked: Or, A View of Carey Mission Containing an Unmasking of the Missionary Abominations Practiced Among the Indians of St. Joseph County at the Celebrated Missionary Establishment Known as Carey Mission Under the Supervision of the Rev. Isaac McCoy* (Windle Printing Co., 1946).

⁴⁵ Isaac McCoy fought for the creation of an “Indian Territory” west of the Mississippi River from the 1820s until the time of his death in 1846. He blamed non-Indian frontiersmen and merchants (primarily whiskey sellers) for negatively influencing the Indians he worked and lived among. McCoy did not believe all white people were bad influences, just the “immoral” ones that he believed prevailed in the territories of the Old Northwest. In 1825 petitioned Columbian College to accept some of the native youth that lived at his mission so that they could be educated and influenced by non-Indian culture and return to teach the rest of their community, McCoy, *History of Baptist Indian Missions*, 266–270. For more on Isaac McCoy and his vision for removing eastern tribes to the West see Isaac McCoy, *The Annual Register of Indian Affairs: In the Western (or Indian) Territory, 1835-1838*, 2nd ed. (Particular Baptist Press, 2000) and George A. Schultz, *An Indian Canaan: Isaac McCoy and the Vision of an Indian State* (University of Oklahoma Press, 1972).

⁴⁶ James A. Clifton, *The Pokagons, 1683-1983: Catholic Potawatomi Indians of the St. Joseph River Valley* (University Press of America, 1984). Fr. Benjamin Petit was also against the removal of the Potawatomi from their ancestral homes. He asked his bishop for permission to travel to Washington to argue their case to OIA officials and the President. When he was denied he loaned village leaders money for their travel expenses. McKee, *The Trail of Death: Letters of Benjamin Marie Petit*, 38.

Not all Potawatomi welcomed these newcomers. Even those who appreciated or sought out the services of missionaries saw their accustomed relationships with Europeans grow more complex and strained in the eighteenth century as the number of traders, missionaries and colonists increased and their goals shifted from trade to long-term settlement on lands the Potawatomi and other Great Lakes tribes called home. European traders supplied whiskey, and spread infectious diseases, like smallpox, destroying the lives of increasing numbers of Native Americans.⁴⁷ It became clear that many light-skinned newcomers did not come as friends and the destruction foretold in the Fourth Fire threatened.

Over time, the arrival of Europeans allowed new alliances and lucrative avenues of trade to develop, yet it also caused new conflicts over territory and resources, resulting in a diaspora by the native population to avoid the detrimental conditions that accompanied political and social instability.⁴⁸ The foundations for Potawatomi social structure were changed forever. Consensus traditionally governed Potawatomi village life – a system that worked as long as individuals who dissented were allowed to leave, new villages were free to form, and tribal leaders who disappointed the community could be cast aside. Infighting, destruction of old alliances, and significant constraints on movement greatly hindered these options and turmoil ensued.

Tensions also escalated between the Potawatomi, their Indian neighbors, and settlers once European colonial forces began fighting one another for territorial control and pressuring native communities to choose sides. The Potawatomi and their Neshnabek brethren were accomplished warriors. As such, colonial military forces

⁴⁷ Mitchell, *Stories of the Potawatomi People from the Early Days to Modern Times*, 25–26.; Clifton, *Potawatomi*, 93.

⁴⁸Clifton, *Potawatomi*, 35–36.

sought them out as mercenaries and reached out to village leaders to form alliances.⁴⁹ These village leaders consistently made decisions about alliances based on the potential advantages each colonial entity could provide them and their kinsmen. At this period in history the advantage an ally could provide the leaders in their regional struggle to gain territory and dominance over ancient and new enemies was the most important for survival. Therefore, access to metal tools, firearms, and other provisions was critical in negotiating these relationships.⁵⁰ Alliances formed at the regional or even village level because of the independent nature of Potawatomi society. The practice of regional or village-level decision making continued into the era of removal treaties and once the Potawatomi were living west of the Mississippi River.

The friendship of one village with a European power offered no assurance that other Potawatomi villages would not partner with opposing colonial forces. The Potawatomi fought almost exclusively on the side of the French in the Beaver War of the mid-seventeenth century that pitted the British-backed nations of the Iroquois Confederacy against the French-allied Algonquian tribes of the Great Lakes over questions of territory. They also sided with the French in Fox Wars of the early eighteenth century over trade routes and in the French and Indian War. During the American Revolution some Potawatomi villages sided with the British because they were valued trading partners, while others sided with the revolutionaries because they believed

⁴⁹ Ibid., 93,101.

⁵⁰ The impact of European manufactured goods on Native American society is explained in Daniel K. Richter, *The Ordeal of the Longhouse: The Peoples of the Iroquois League in the Era of European Colonization* (The University of North Carolina Press, 1992) and Richard White, *The Roots of Dependency: Subsistence, Environment, and Social Change Among the Choctaws, Pawnees, and Navajos* (University of Nebraska Press, 1988).

it would benefit them in their fight to maintain territory. Many saw it in their best interest to remain neutral.⁵¹

AMERICA'S POLICY OF INDIAN REMOVAL

Throughout early American history, European colonies generally dealt with Native American tribes as separate nations with some legal title or claim to ownership of their lands, though they did not recognize absolute ownership. As a result, most government officials agreed that title could not be extinguished without voluntary cession by members of the tribes. Each European colonial power had its own policy for dealing with Indian nations. Regardless of the details of their Indian policy, virtually all colonial governments viewed Native Americans through a lens of ethnocentrism and placed upon them a stereotype of the noble or ignoble savage.⁵² Things did not improve under the United States government.

After the American Revolution the U.S. government worked to gain large land cessions from tribes. As unorganized lands became colonies, territories, and eventually states, the Native American inhabitants who refused to conform to new laws clashed with settlers and civil authorities.⁵³ While acknowledging Native Americans' unique

⁵¹ For more on the wars in which the Potawatomi were involved see Francis Jennings, *The Ambiguous Iroquois Empire: The Covenant Chain Confederation of Indian Tribes With English Colonies* (W. W. Norton & Company, 1990); Robert Burns, *The Jesuits and the Indian Wars of the Northwest* (Idaho Research Foundation, 1985); R. David Edmunds and Joseph L. Peyser, *The Fox Wars: The Mesquakie Challenge to New France* (University of Oklahoma Press, 1993).; Colin G. Calloway, *The American Revolution in Indian Country: Crisis and Diversity in Native American Communities* (Cambridge University Press, 1995).

⁵² For more on colonial and early American Indian policy, see Francis Paul Prucha, *American Indian Policy in the Formative Years: The Indian Trade and Intercourse Acts, 1790-1834* (University of Nebraska Press, 1970); Robert F. Berkhofer, *The White Man's Indian: Images of the American Indian from Columbus to the Present*, 1st Vintage Books ed. (Vintage, 1979).

⁵³ The Northwest Ordinance, enacted in 1787, created the Northwest Territory, the first organized territory of the new United States. The ordinance stated, "The utmost good faith shall always be observed toward the Indians; their land and property shall never be taken without their consent; and, in their property, rights, and liberty, they shall never be invaded or disturbed." The law also established a means of turning the Northwest Territory into six distinct states. Northwest Ordinance, July 13, 1787; (National Archives

condition as prior inhabitants of North America, political and cultural elites continued to insist that North America's original inhabitants could not be "civilized" and were doomed to extinction as American civilization flourished and expanded.⁵⁴

In 1806 the War Department created the new position of Superintendent of Indian Trade to manage national non-military Indian issues, primarily commerce and diplomacy.⁵⁵ Almost two decades later, in 1824, the Office of Indian Affairs [OIA] was created by War Secretary John C. Calhoun to give more attention to distinct regions.⁵⁶ OIA officials, and the general public, adopted the mentality that all Native Americans should be removed west of the Mississippi River.⁵⁷ Advocates for removal argued that Indians and settlers would have better lives if the Native population was removed, opening new territory for American expansion and distancing the Indians from the corrupting influences of Euro-American society. Removal had strong support among politicians in states of the Old Northwest and with missionaries, like Isaac McCoy, who felt he was fighting a losing battle with whiskey peddlers and other frontier vices.⁵⁸ McCoy argued that tribes could not prosper in the east where they were pressed by non-

Microfilm Publication M332, roll 9); Miscellaneous Papers of the Continental Congress, 1774-1789; Records of the Continental and Confederation Congresses and the Constitutional Convention, 1774-1789, Record Group 360; National Archives.

⁵⁴ For more on colonial and early American understanding of Indians in larger American society see William Cronon, *Changes in the Land: Indians, Colonists and the Ecology of New England* (Hill and Wang, 1983); Dippie, *The Vanishing American*. The 1823 Supreme Court Justice John Marshall ruled that Indians have rights to their land because of preexisting use in *Johnson v. M'Intosh*.

⁵⁵ Francis Paul Prucha, *The Great Father: The United States Government and the American Indians*, Abridged (University of Nebraska Press, 1986), 121.

⁵⁶ Indian affairs continued to be the responsibility of the Secretary of War until Congress created the Commissioner of Indian Affairs in 1832. Donald L. Fixico, *Bureau of Indian Affairs* (Greenwood, 2012), 3.

⁵⁷ Removal, as a tool of the Office of Indian Affairs, gained popularity in the 1820s, but the idea was not new. As early as 1803 Thomas Jefferson suggested removing all Indians to lands beyond the Mississippi River. Jefferson to Harrison, Washington, February 27, 1803, in Clarence Edwin, compiler & editor Carter, *The Territorial Papers of the United States: Vol. VII: The Territory of Indiana 1800-1810* (Government Printing Office (GPO), Washington DC, 1939), 88-92. See also Anthony F C Wallace, *Jefferson and the Indians: The Tragic Fate of the First Americans*, First edition. (Belknap Press, 1999).

⁵⁸ Edmunds, *The Potawatomis - Keepers of the Fire*, 240; McCoy, *History of Baptist Indian Missions*.

Indian neighbors, “the will of whom [they were] subject.” In the West, he argued, tribes could “mutually assist each other in their advances in civilization. Enjoying the prospects of a permanent home, and encouraged by their numerical strength, they would naturally feel something of national character, and would aspire to an equality with their white neighbours.”⁵⁹ In 1828, McCoy tried to persuade the Potawatomi to voluntarily remove to lands in present-day Kansas or Oklahoma by taking them on an exploratory trip to the region.⁶⁰ The small party of Potawatomi leaders was not impressed by the landscape or resources on the plains and resisted further efforts to remove them from the Great Lakes for the next four years.

When Congress passed Andrew Jackson’s Removal Act in 1830, public and political opinion weighed heavily against any Eastern tribes staying in its home.⁶¹ Increased tensions between Indians and settlers in the Great Lakes region, requests by officials from the OIA, and the outbreak of conflicts like the Black Hawk War in 1832 reinforced the urgency of removal. As a result of these pressures, Congress and the President passed additional legislation appropriating twenty thousand dollars for the explicit purpose of negotiating treaties to terminate Potawatomi tribal land titles in Indiana, Illinois, and the Territory of Michigan.⁶² In 1832, individual Potawatomi bands signed a number of treaties with the government ceding large amounts of land, but these treaties failed to secure the Indians’ removal from the area. Instead, tribal leaders insisted

⁵⁹ McCoy, *History of Baptist Indian Missions*, 39–40.

⁶⁰ Lela Barnes, ed., “Journal of Isaac McCoy for the Exploring Expedition of 1828,” *Kansas Historical Quarterly* V (1936): 227–277; McKee, *The Trail of Death: Letters of Benjamin Marie Petit*, 13.

⁶¹ Jackson’s Removal Act was passed by Congress on May 28, 1830. It gave Native American tribes the option to trade their land in the East for land west of the Mississippi River. The law was drafted primarily to bring about the removal of the Southeastern tribes and despite the wording of the act, very few tribes had the option of staying in their homelands. Two years later, on July 9, 1832, Congress appropriated twenty thousand dollars to hold councils with tribes to induce them to remove. Prucha, *The Great Father*, 206.

⁶² “An Act to Enable the President to Extinguish Indian Title within the State of Indiana, Illinois, and Territory of Michigan,” July 9, 1832, in *United States Statutes at Large*, IV, 564.

on small reservations within the ceded lands, ensured the retention of hunting and fishing rights on the land, and insisted on payments of goods and cash for property lost in recent skirmishes.⁶³ In the months following these treaties non-Indian settlers swarmed the recently ceded lands and tension between Natives and newcomers escalated.

The next year, in 1833, Potawatomi from the St. Joseph River, some from northern Indiana, and the Potawatomi of the Prairie, along with headmen and chiefs from the Ojibwe and Odawa tribes who lived along the coast of the Great Lakes, collectively referred to as the United Nation or United Band in government reports, signed the Treaty of Chicago on September 26 and 27.⁶⁴ The Treaty of Chicago proved to be a watershed agreement in the dealings between the Potawatomi and the U.S. government. Prior to this treaty, land cessions were relatively small and included land set aside as private reserves for certain signatories. The Treaty of Chicago, however, ensured a substantial land cession of roughly five million acres that were inhabited by all three groups around the Great Lakes and the removal of a majority of Potawatomi to lands west of the Mississippi River. Signatory bands were given five million acres along the banks of the Missouri River in what became Iowa and Missouri in exchange. To compensate for the loss of their homeland, the Treaty of Chicago promised the Potawatomi annual payments of \$14,000 for a period of twenty years. Additionally, they were to receive \$150,000 for improvements and services, \$100,000 in trade goods, as well as \$70,000 for the education of their children.⁶⁵

⁶³ Kappler, *Indian Affairs: Laws and Treaties*, II:353–355, 367–370.

⁶⁴ Garraghan, *Jesuits of the Middle United States*, 424. Some of the headmen that signed include Topinabee, Kewasay, and Wabaunsee.

⁶⁵ Kappler, *Indian Affairs: Laws and Treaties*, II:402–403.

The treaty stipulated that the Potawatomi would relocate to a reserve near Council Bluffs, Iowa “as soon as conveniently can be done.”⁶⁶ At the wishes of the Potawatomi, and as a result of the ambivalence of government agents, a majority of the Potawatomi initially removed as a result of this treaty settled on the Platte Purchase instead, a piece of land in present-day Missouri that was physically nearer to their ancestral homes. Over the next three years small groups of Potawatomi led by headmen like Wabaunsee and influential men, including Billy Caldwell and Alexander Robinson, trickled into Missouri as they were rounded up and told of their fate. They resided on the Platte Purchase from 1833 to 1837.⁶⁷

The stop in Missouri turned out to be only temporary. Indian agents and non-Indian settlers in the region pressured the Potawatomi to remove from the fertile lands along the Missouri River. As a result, in 1837 the tribe was hastily evicted from the Platte Purchase territory and it was annexed to the state of Missouri on March 28 by presidential proclamation.⁶⁸ Most of the Potawatomi from the Platte, supported by Agent Edwin James, went north to Iowa territory, to the site of the original reserve delineated for them in the Treaty of Chicago. Parties with an interest in where the Potawatomi were settled included: tribal members, Indian agents, missionaries, and officials from the OIA. Each party, both Indians and non-Indians, had a vested interest in settling the Potawatomi in the place of their choosing; nonetheless, they could not reach a consensus before the move. Baptist missionary Isaac McCoy, for example, felt strongly that the Potawatomi should be consolidated on the upper Osage River in present-day Kansas, a place from

⁶⁶ Ibid., II:402.

⁶⁷ Murphy, *Potawatomi of the West*, 12.

⁶⁸ Martin van Buren: "Proclamation 43C - Extinguishing Title for Indian Lands Between the State of Missouri and the Missouri River," March 28, 1837. Online by Gerhard Peters and John T. Woolley, *The American Presidency Project*. <http://www.presidency.ucsb.edu/ws/?pid=67313>.

which he claimed “they would not have occasion to remove.”⁶⁹ Indian Agent Edwin James supported a move to Council Bluffs since it was the area agreed upon in the Treaty of Chicago.⁷⁰ As a result of this disunity some Potawatomi, including Wabaunsee’s villagers, went to Council Bluffs and others, like Topinbee and his St. Joseph River Potawatomi, to a sub-agency on the Osage River in Kansas. In some cases extended families ended up residing on different reservations.

Though the Treaty of Chicago secured the largest single cession of Potawatomi land, the stories of the bands that entered into that agreement only tell a portion of the tribe’s removal experiences. Several hundred Potawatomi lived in Indiana and other areas outside the territory ceded by the 1833 Treaty of Chicago. Some agreed to remove under later treaties and others negotiated with the federal government to stay in their homeland. The 859 Potawatomi removed on the Trail of Death in 1838 fell into this category, as did dozens of dispersed villages in the Great Lakes region.⁷¹

Some Potawatomi villages removed without hesitation. Others eluded the government and survived in small groups on their ancestral homelands for several more years. Still others never removed from the Great Lakes region. These groups negotiated with state and federal officials to stay, like the residents of Pokagon’s village, or they ran away or were absorbed into neighboring tribes. The OIA usually contracted with private citizens to serve as conductors hired to transport scattered Indian communities to their

⁶⁹ Murphy, 14. McCoy was supported by Senator John Tipton of Indiana on this matter. For more on Isaac McCoy’s views on Native Americans see McCoy, *History of Baptist Indian Missions*.

⁷⁰ Jeanne Leader, “Forgotten Promises: A History of the Council Bluffs Subagency, 1837-1847” (Texas Christian University, 1977), 111–113, The Newberry Library.

⁷¹ The name Potawatomi March of Death or Trail of Death is commonly used among the Potawatomi in reference to their ancestor’s experience. There is a historically based novel John William McMullen, *The Last Blackrobe of Indiana and the Potawatomi Trail of Death* (Bird Brain Productions, 2010) that is based in large part on McKee, *The Trail of Death: Letters of Benjamin Marie Petit*. For a local history see, Susan Campbell and Shirley Willard, eds., *Potawatomi Trail of Death - Indiana to Kansas* (Rochester, IN: Fulton County Historical Society, 2003).

new lands.⁷² One such removal occurred in Wisconsin in 1851. It offers insight into a typical Potawatomi removal experience.

Wisconsin was admitted to the Union in 1848, and just as in Missouri, settlers flooded the region looking for cheap and abundant land. The unclear status of Indian property rights at that time led many settlers to believe that Indians, who had rights to the land by virtue of previous occupation, lost those rights once the territory became a state. The non-Indian residents of Wisconsin were eager to be rid of the “nuisance” in their state.⁷³ Wisconsin, occupied by the Potawatomi and a few Menominee and Ho-Chunk villages, fell within the boundaries of the land ceded in the 1833 Treaty of Chicago. As a result, the OIA hired Alexis Coquillard to serve as conductor for the removal. A trader from South Bend, Indiana, Coquillard had worked with Indian people since the 1820s before “conducting” the removal of over 500 Potawatomi to the Osage River in 1840.⁷⁴

Coquillard quickly set about gathering hundreds of scattered Potawatomi living in the area, encouraging villagers to move by promising them food and provisions. The task was not easy and he knew that many would not go without significant pressure, even though most Indians in the area were destitute and near starvation because of the loss of their hunting land to encroaching American settlers. There were many tribes in the area, and Coquillard struggled to sort out which villages were subject to the Treaty of Chicago.

⁷² These individuals usually had an established relationship with the Indians they were trying to remove. For example, Joseph Bertrand, who was married to a Potawatomi woman, assisted in the removal of 450 Potawatomi in 1837, including his in-laws. “History of the Extinct Village of Bertrand,” *Historical Collections: Collections and Research Made by the Michigan Pioneers and Historical Society* 28 (1900): 128–133.

⁷³ *Milwaukee Sentinel* (Milwaukee, WI, August 5, 1851).

⁷⁴ Robert A. Trennert, “The Business of Indian Removal: Deporting the Potawatomi from Wisconsin, 1851,” *The Wisconsin Magazine of History* 63, no. 1 (October 1, 1979): 38. Also in 1840, contractors Godfrey and G. Kerchal with Major Forsyth moved 439 Potawatomi to Kansas. There were an estimated 2500 in Kansas by the end of 1840. Murphy, *Potawatomi of the West*, 65. According to the Annual Report of the Commissioner of Indian Affairs, in 1842 there were still 50-250 Potawatomi living near Lake Michigan who had evaded removal. RCIA, 1842, 370.

Even when he determined a group was Potawatomi, many of the individuals within that group would claim they were not members of the bands that signed the treaty and were therefore not obligated to move. There was little he could do to argue because the villages that fell under the conditions of the treaty were living in bands of fifty or sixty individuals scattered about the region. To further complicate the matter, local traders who feared losing their Indian customers reportedly supplied the Potawatomi with whiskey and bolstered their opposition to removal.⁷⁵

By the summer of 1851 Coquillard had gathered over six hundred Indians, most of whom were Potawatomi, and the group set out for Kansas on July 28.⁷⁶ A local newspaper showed little sympathy and presented the dismal scene of the Indian's removal as inevitable, reporting that, "It is melancholy to meditate upon the sure extinction of the Aboriginal inhabitants of America. Still such is indisputably the fact, that the last remnant of this race will, in a few years, become extinct."⁷⁷ Unlike the circumstances of the Trail of Death, the conductor paid \$2,600 for wagons and horses to carry these Potawatomi to Kansas. The first half of the trip passed with little difficulty and only a few deaths. The second half of the trip proved to be more challenging for the Potawatomi and their conductor. Upon crossing the Des Moines River, the party encountered whiskey sellers who supplied the beleaguered emigrants with alcohol. Coquillard had to break up some of the trader's property to induce the Potawatomi to continue on their journey. Cholera struck soon after they crossed the Missouri River, and about two hundred fell ill. More than a dozen in the party died. Panic struck and the

⁷⁵ Trennert, "The Business of Indian Removal," 43.

⁷⁶ More than 300 refused to remove and were left behind.

⁷⁷ *Milwaukee Daily Free Democrat*, August 2, 1851, as quoted in Trennert, "The Business of Indian Removal," 46.

group scattered across the countryside. Surviving stragglers trickled into the Kansas River reservation throughout September.⁷⁸

The 1851 removal of the Wisconsin Potawatomi represents the typical experience for thousands of Potawatomi.⁷⁹ The effort to remove them met with some resistance, though not a prolonged or violent struggle. Once the Potawatomi were gathered the journey was poorly organized, under supplied, and plagued with trouble and delays. It did, however, achieve the desired result – at least the result desired by the federal government – it removed the Native Americans from land sought by settlers.⁸⁰ This removal and others experienced by the Potawatomi were part of a longer pattern of Indian dispossession that continued to develop over time.

LIFE WEST OF THE MISSISSIPPI RIVER

The land reserved by treaty for the Potawatomi west of the Mississippi River was not the promised land of abundance. They were neither free from the constant presence of American settlers, traders, and whisky peddlers, nor allowed to live life unrestricted by

⁷⁸ Ibid., 47.

⁷⁹ For more on the various Potawatomi removals see R. David Edmunds, “The Prairie Potawatomi Removal of 1833,” *Indiana Magazine of History* 68, no. 3 (1972): 240–253; Dwight L. Smith, “The Attempted Potawatomi Emigration of 1839,” *Indiana Magazine of History* 45, no. 1 (March 1, 1949): 51–80; Dwight L. Smith, “Jacob Hull’s Detachment of the Potawatomi Emigration of 1838,” *Indiana Magazine of History* 45, no. 3 (1949): 285–288.

⁸⁰ Unlike the impetus to assimilate Native Americans into mainstream society, the motivation for removal came from the belief that Native Americans and Anglos were so culturally and biologically different they could not coexist. This mentality was partially driven by nineteenth-century studies of ethnology and theories of human development. Though their theories differed, seminal ethnologists such as Samuel George Morton and J.C. Nott agreed that Native Americans, as a race, exhibited certain unalterable traits such as a savage nature, unreasonable attachments to specific locations, and incapability for servitude. For an analysis of Samuel George Morton’s, *Crania Americana* and J.C. Nott and George R. Gliddon’s, *Types of Mankind*, see Dippie, *The Vanishing American*, 80–84. Because these traits made them unfit for chattel slavery, assimilation, or incorporation into American society, the only remaining answer was for the government to act in the best interest of American settlers and the Native Americans alike by removing Indians from areas of non-Indian settlement. Thus, the government decided that Native Americans and Euro-Americans were so fundamentally different that they simply could not coexist as free men in close proximity.

the oversight and limitations of the OIA. Adding to the already daunting challenges of starting over in a new place, the Potawatomi also found that the climate, wildlife, soil conditions, and other elements that influenced their daily lives were different from those of the Great Lakes. Wild rice did not grow on the central plains and, besides deer, most of the large game they hunted in the winter did not migrate that far south.⁸¹ Even more damaging for the Potawatomi communities established in Council Bluffs, Iowa and on the Osage River in Kansas, was that the struggles that plagued their existence for generations before removal continued on their new reserves.

Two small groups of Potawatomi arrived at Council Bluffs by Missouri River steamboats in 1837. The main body of the group arrived soon after and the last parties to arrive came in 1838. From their earliest days on the reservation in Council Bluffs, the Potawatomi faced pressure to move farther west and settle with their kinsmen on the Osage River in Kansas. A letter written in 1840 from Secretary of War, J.R. Poinsett, noted that removal of the Potawatomi from Council Bluffs to Kansas was “anxiously desired by the department to prevent disturbances which must be expected from collision with our citizens, now rapidly filling up that part of the country which the Indians at present occupy.”⁸² Despite the Secretary’s professed concern for the Potawatomi and anxiety about potential “disturbances” the government did little to make the Indians’ life in Iowa easy. Instead, to ensure the Potawatomi did not establish a long-term settlement

⁸¹ For more on the Woodland Indian response to the prairie environment see Joseph T. Manzo, “Native Americans Euro-Americans: Some Shared Attitudes toward Life in the Prairies,” *American Studies* 23, no. 2 (1982): 39–48.

⁸² *RCIA*, 1840, 33. The number of Indians listed at the Council Bluffs sub-agency prior to 1840 was 2,734. Leader, “Forgotten Promises: A History of the Council Bluffs Subagency, 1837-1847,” 128.

in Iowa the government delayed funding for certain services, like education and agriculture, and built only a few structures.⁸³

According to reports from missionaries and Indian agents, drunkenness was rampant among the Potawatomi at Council Bluffs. Even though it was illegal to sell alcohol to Native Americans, whiskey peddlers transported barrels to Iowa by steamships on the Missouri River. In May of 1839, Father DeSmet, a Jesuit living and working with the Potawatomi, recorded that “thirty gallons of whisky, brandy, rum and alcohol” was brought into the reservation, and as a result “[i]n all directions, men, women and children were seen tottering and falling.” A letter DeSmet wrote that same summer laments that fourteen brutal murders had already taken place within the sub-agency as a result of drunken violence.⁸⁴

The government never established a school on the reservation, since they hoped the Potawatomi would move to Kansas soon, and parents at Council Bluffs were hesitant to send their children away to be educated.⁸⁵ The Superintendent of Indian Affairs at St. Louis, Joshua Pilcher, complained in 1840 that he could not find any boys from his agency to attend the Choctaw Academy in Kentucky. As a result, almost no formal education occurred for the children at Council Bluffs for the near-decade they were in Iowa.

Some of the earliest Potawatomi to arrive on the Osage River sub-agency came in 1837, the same year their kinsmen removed to Council Bluffs. They were members of

⁸³ Garraghan, *Jesuits of the Middle United States*, 435. A government block house was built at the Council Bluffs sub-agency in 1837 to afford the Potawatomi protection from hostile tribes from the north and by the end of 1839 the only government paid laborer was a blacksmith.

⁸⁴ Garraghan, *Jesuits of the Middle United States*, 439; Frank Mullen, “Father DeSmet and the Pottawatomie Indian Mission,” *Iowa Journal of History and Politics* no. 23 (n.d.): 192–216.; Jeanne P. Leader, *The Pottawatomies and Alcohol: An Illustration of the Illegal Trade* (Kansas State Historical Society, 1979).

⁸⁵ Leader, “Forgotten Promises: A History of the Council Bluffs Subagency, 1837-1847,” 111–113.

the “United Nation” who relocated from their temporary home in Missouri. The reason some Potawatomi went west to the Osage River Agency from the Platte Purchase, rather than moving north to Council Bluffs, was alluded when the Potawatomi headman Queh-que-tah who petitioned President Andrew Jackson in 1835 protesting removal to Iowa. He argued that, “[w]e have been told that the white people want the land on the Platte. If we were to settle on the Missouri River above them [Council Bluffs], perhaps they would wish to extend their settlements there also.”⁸⁶ The recent history of the Potawatomi, and what they experienced and witnessed happening to Indians around them for years, suggested that settlers desired Indian land simply because it was inhabited by Indians. Spite may have been a real motivation for some settlers to desire Indian land. For most, however, successful Indian land tenure provided proof that land was fertile and could support a family.⁸⁷ Queh-que-tah’s assertion is also evidence that many Potawatomi feared that the government would subject them to continuous removals as settlers pushed west.

The Osage River reservation was surrounded on three sides by other Indian reservations; the Delaware were to the south, the Miami were on the east, and the Peoria and Kaskaskia, Odawa, Ojibwe, and Sauk and Fox of the Mississippi were on the north.⁸⁸ The Potawatomi at the sub-agency quickly divided into two main groups. The people who removed from the St. Joseph River Valley region (including people from Topinbee’s village) settled at Pottawatomie Creek, one of the main tributaries of the upper Osage

⁸⁶ Murphy, *Potawatomi of the West*, 15.

⁸⁷ It also provided the new settlers with land on which most of the heavy work of clearing had been completed. The settlers moved onto the land under the false belief that it was “virgin land.” In the preface to the 1880 book *History of St. Joseph County, Indiana*, the publisher laments that the “Trials, sufferings and struggles which were experienced in converting even this fertile land from its virgin wilderness into the luxuriant and densely populated country now existing and never be fully portrayed.” The land referenced was the same area the Potawatomi were forcefully removed from on the Trail of Death four decades before. *History of St. Joseph County, Indiana* (C.C. Chapman & Co., 1880) preface.

⁸⁸ Garraghan, *Jesuits of the Middle United States*, 190. The Delaware are also called Lenape.

River.⁸⁹ The Potawatomi of the Wabash River (including individuals from Menominee and Black Wolf's villages) settled roughly fifteen miles south of Pottawatomie Creek on a small piece of land between the forks of Big Sugar Creek. The creek got its moniker from the many sugar maple trees that lined it. The Potawatomi from the United Band, who moved from the Platte Purchase in Missouri to Kansas, were scattered among both settlements, and some were living with family and friends at the nearby Kickapoo and Fort Leavenworth agency.⁹⁰

Unlike their kinsmen in Council Bluffs, the Potawatomi in Kansas were greeted by a small, but enthusiastic, community of missionaries who encouraged them to establish roots immediately. In 1838, Father Christian Hoecken, a Jesuit who had worked among the Kickapoo for a few years, met the band of Potawatomi on the Trail of Death as they entered Kansas. He informed them that he intended to quit his work with the Kickapoo and settle down with the Potawatomi on the Osage River.⁹¹ The Jesuits oversaw the building of a church soon after their arrival; it was funded by the \$300 annual subsidy appropriated from the federal government's "Civilization Fund."⁹² The Osage River sub-agency also had boys' schools run by Jesuits, as well as Baptist and

⁸⁹ Garraghan, 194. The upper Osage River is also referred to as the Marais des Cygnes River.

⁹⁰ RCIA of 1840, 230. The total number of Potawatomi listed at the Osage River sub-agency in 1840 was 2,153 – reportedly the total from five separate removals. The first documented party to arrive came in 1834 (or earlier) and were part of the United Band of Potawatomi who removed under the 1832 Treaty of Chicago. There were 441 of them recorded by government officials. By July of 1837, when the next count was taken, there were 658 Potawatomi at the sub-agency. Two smaller emigrations of 160 and 50 people occurred over the next year. In 1838 the roughly 650 Potawatomi that were part of the Trail of Death arrived, followed by a group of 526 in 1840. All of the Potawatomi at the Osage River sub-agency who arrived after 1837 came from Indiana and Michigan.

⁹¹ Garraghan, *Jesuits of the Middle United States*, 186. The Jesuits' mission at Sugar Creek was part of a restoration of Catholic instruction in the lives of the Potawatomi after a lapse of several years. Their last mission among the Potawatomi had been at the Jesuit Miami-Potawatomi Mission on the St. Joseph River in Michigan.

⁹² *Ibid.*, 196. The money had originally been promised to Father Petit's Potawatomi mission on the Yellow River in Indiana, but was transferred to the Sugar Creek mission when his congregation was removed there in 1838.

Methodist missionaries. The girls' education was undertaken by nuns from the Society of the Sacred Heart who opened a boarding school on the reservation in the summer of 1841.⁹³ In the late 1840s the Potawatomi living at Sugar Creek set about creating a code of law and conduct (most likely with the ardent support and encouragement of their Indian agent and missionaries) that included the election of constables, the construction of a jail, and strict punishments for anyone caught bringing liquor onto the reservation.⁹⁴

By 1846, the federal government sought to consolidate a single Potawatomi reservation in a place they thought the Indians would be out of the way. As happened in Missouri and Wisconsin, Iowa's non-Indian population was growing and it gained statehood in 1846. The federal government increased pressure on the Potawatomi at Council Bluffs to leave the newly organized state and move west.⁹⁵ Their Indian agents hoped the Council Bluffs people would join their kinsmen at the Osage River Reservation, but their leaders refused. They argued that they did not like the sparsely forested land around the Osage River. The removed Indians had already been forced to adapt to a landscape that was drastically different than their densely forested Great Lakes homeland. It is not surprising that the availability of resources like water and timber became important when considering a new reservation. It is also likely that the headmen from Council Bluffs did not want to move onto the reservation on the Osage River because they feared that they would not have as much influence as the Potawatomi who had lived there for years and established relationships with the influential missionaries. A significant percentage of the Potawatomi living on the Osage River Reservation were

⁹³ Ibid., 202–207. RCIA, 1842, 118–119.

⁹⁴ Ibid., 218. Under the clan system that structured Potawatomi society before removal there were strict rules and guidelines for order and social justice. For more on these methods see Skinner, *The Mascoutens of Prairie Potawatomi Indians*.

⁹⁵ A Native American population that was too large was a reason to deny statehood. It was used as evidence of primitivism.

Christians who the missionaries supported by writing letters on the Indian's behalf to Indian agents and other government officials when conflicts arose. The Council Bluffs Potawatomi, contrarily, had relatively few Christians and little rapport with the missionaries. Jesuits even abandoned their mission in Council Bluffs by 1841, reportedly because of persistent drunkenness among the Potawatomi and the general "unpromising" field of labor.⁹⁶ Settling on a reservation that was new to everyone would allow for more equality.

To expedite the removal process, OIA officials selected an available plot of land along the Kansas River for the combined Potawatomi communities against the wishes of the Osage River Potawatomi.⁹⁷ The Council Bluffs group was the first to agree to this new reserve, led by headmen Joseph Lafromboise, Perish LeClair, and Half Day.⁹⁸ There were dissenters at Council Bluffs. Sub-agent Mitchell noted that some of the Potawatomi travelled from Iowa to Kansas to examine the proposed territory and found it wanting. They brought back an unfavorable description of land conditions, and at the time of the agent's report some of these people had "gone back to Milwaukie" rather than remove to the Kansas River.⁹⁹ The Osage River Potawatomi were more hesitant. They first called a general council to discuss the issue and invited Father Verreydt to offer his advice. He insisted that the decision lay with the Potawatomi, but did offer his opinion that they should agree to the arrangement. He argued that the land they currently inhabited was poor in quality, too near non-Indians and noted their need for a larger annuity and

⁹⁶ Gilbert J. Garraghan, *The Jesuits of the Middle United States*, The American Press, 1938, 594.

⁹⁷ The 900 square mile tract of land that became the Potawatomi reservation was ceded to the United States by Kansas Indians in a treaty signed January 14, 1846. Kappler, *Indian Affairs: Laws and Treaties*, II:557–560.

⁹⁸ Harvey to Medill, November 2, 1847. Records of the St. Louis Superintendency of Indian Affairs.

⁹⁹ RCIA, 1847, 151.

supplies – all of which the treaty promised to remedy.¹⁰⁰ After a great deal of debate the Osage River Potawatomi decided to sign the treaty and move north. In June of 1846, both the Council Bluffs and Osage River Potawatomi agreed to the terms of the removal treaties, signed on June 5 and June 17 respectively, and began making arrangements for the migration to their new reserve.¹⁰¹

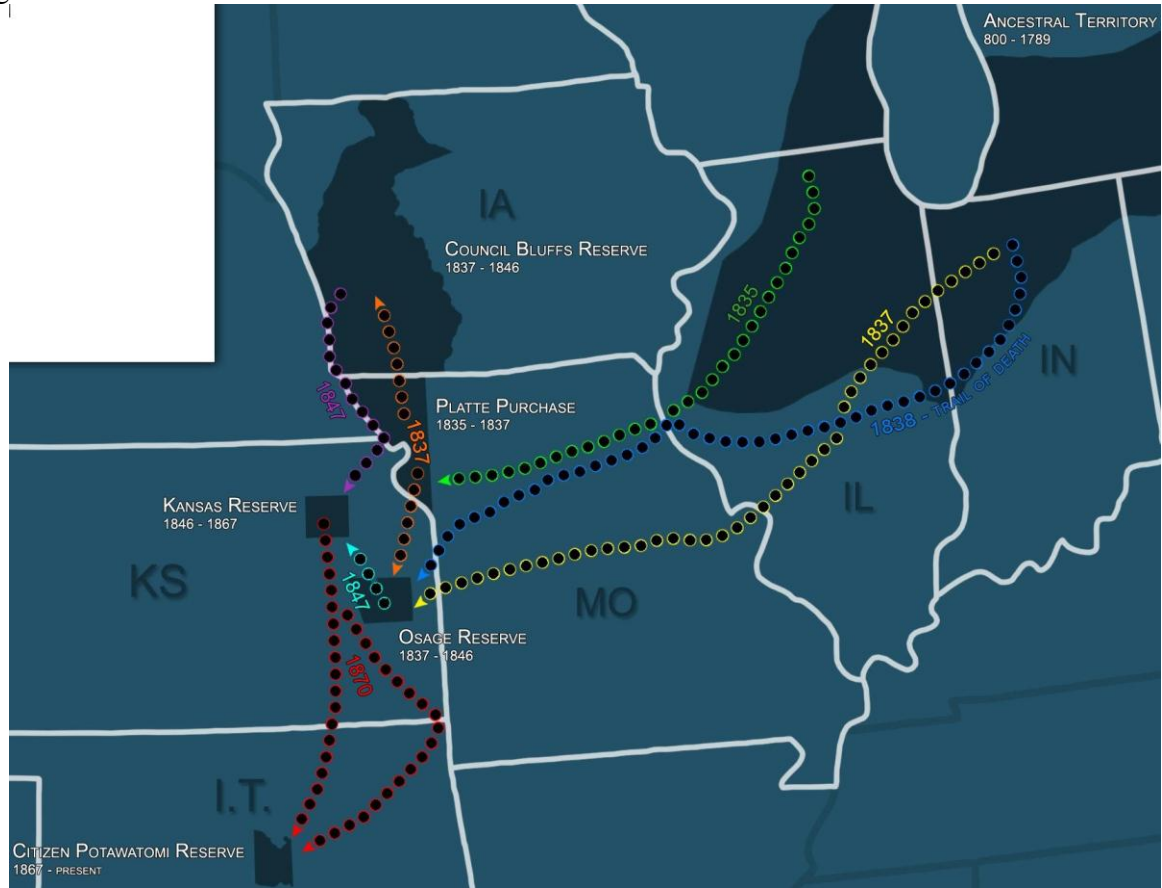


Figure 2: Map of Potawatomi removals. (Courtesy of Citizen Potawatomi Nation Cultural Heritage Center.)

¹⁰⁰ *Catholic Mirror* (Baltimore), November 9, 1850. Like the Baptist missionary Isaac McCoy, Indian agents often felt that the frontiersmen living in close proximity to Native Americans were a bad influence and would try to exploit them.

¹⁰¹ Kappler, *Indian Affairs: Laws and Treaties*, II:558. By the terms of Article IV of the 1846 treaty, the Potawatomi paid a total of \$87,000 for their reserve on the Kansas River. This amount was deducted from the \$450,000 value placed on their former lands in Iowa and Kansas.

The OIA was eager for the two groups to settle together for many reasons. The admission of Iowa to the Union was the most pressing, but government officials also argued that the move made logistical sense, because it was easier to conduct business with one group than two. Some of the individuals living on the Platte Purchase moved to Council Bluffs in 1837 and others moved to the Osage River. This division meant that when it was time to make annuity payments the official overseeing the process had to visit both reservations or organize travel for representatives from one reserve to come to the other.¹⁰² The OIA also did not want to negotiate with two groups in any future treaty discussions. The preamble of the 1846 treaty articulates the U.S. government's interpretation of what joining the two bands on one reservation meant. It states:

“Whereas the various bands of the Pottowautomie Indians, known as the Chippewas, Ottawas, and Pottowautomies, the Pottowautomies of the Prairie the Pottowautomies of the Wabash, and the Pottowautomies of Indiana, have, subsequent to the year 1828, entered into separate and distinct treaties with the United States, by which they have been separated and located in different countries, and difficulties have arisen as to the proper distribution of the stipulations under various treaties, and being the same people by kindred, by feeling, and by language, and having, in former periods, lived on and owned their lands in common; and being desirous to unite in one common country, and again become one people, and receive their annuities and other benefits in common, and to abolish all minor distinctions of bands by which they have heretofore been divided, and are anxious to be known only as the Pottowautomie Nation, thereby, reinstating the national character.”¹⁰³

The treaty's description of events is misleading. While it is cast as a “helpful” gesture by the OIA, the unification of the bands was a matter of autonomy for the Potawatomi and a practical matter for the federal government. Each group listed in the opening lines of this

¹⁰² Leader, “Forgotten Promises: A History of the Council Bluffs Sub-agency, 1837-1847,” 117. Even though OIA were trying to convince the Potawatomi at Council Bluffs to move to Kansas Territory officials made the 1837 annuity payment Council Bluffs because it was easier to reach than the Osage River Reservation.

¹⁰³ Kappler, *Indian Affairs: Laws and Treaties*, II:557.

excerpt was a distinct band of Potawatomi that did share a common language, spirituality, lifeway, and often lineage; but, they had not all lived together before the treaties and they did not previously have a “national character” to reinstate. It was the United States government that wanted to streamline them into the “Pottowautomie Nation” that would require only one reservation, a single Indian agent, and a simplified annuity payment process.

Before the treaty, the Potawatomi who lived on the Osage River Reservation in Kansas, specifically at Sugar Creek, were increasingly referred to as “Mission Band” Potawatomi in correspondence and government records. Though they were not a unified group before arriving in Kansas, the settlement was primarily comprised of Potawatomi removed from villages in northern Indiana and southern Michigan. Catholic and Baptist missionaries had long-established strongholds that influenced the daily lives of Potawatomi in that region. The Potawatomi from the Osage River were labeled “Mission Band” whether they were Christian converts or not. The missionary presence meant steady traffic of non-Indian visitors and business people into the communities. The group of Potawatomi that became known as the “Prairie Band” overwhelmingly came from Council Bluffs and removed from villages in Illinois and southern Wisconsin. These divisions were not perfect.¹⁰⁴ As previously mentioned, the autonomous nature of these dispersed Potawatomi villages resulted in the development of varied social practices and accepted norms from one region, or even village, to the next.

If one looks at the Mission and Prairie Potawatomi from an anthropological perspective at this period in their history, one can generalize about their differences. More of the Mission Potawatomi were Christian converts, they practiced a more intensive

¹⁰⁴ I will refer to the two factions as the Mission Band and Prairie Band in future chapters even though membership in each group was fluid.

form of agriculture that was supported by missionaries, and many took advantage of the schools missionaries established near them. A number of the Prairie Potawatomi, on the other hand, scorned the teachings of Christian missionaries, still acquired a great deal of their sustenance from hunting, and lacked the option of sending their children to school, because one was never built at Council Bluffs.¹⁰⁵ It would be erroneous, however, to over-simplify the situation and claim that the Mission Band were Christian converts who adopted Euro-American society and the Prairie Band were traditionalist who shunned the influence of their non-Indian neighbors. Falling into this convenient dichotomy disregards significant nuances and misses the fluidity that fostered complicated relationships between the two groups and federal government in the years around the treaty of 1861. Thus, while the government's insistence that the groups became the Potawatomi Nation in 1846 was largely a misnomer, it is also misleading to suggest they did not see themselves as kinsmen with common interests and concerns.

Commissioner of Indian Affairs, William Medill, noted in his 1848 annual report that it was rare to see Indians remove from their "old homes" as peacefully and without disorder as the Potawatomi had.¹⁰⁶ While the government attributed the orderly removal to the new "Indian system" it is more likely that the Potawatomi put up little fight because they did not think of southern Kansas or Iowa as "old homes."¹⁰⁷ The government had forced them to remove from their real homelands the decade before and they had only lived in the western territories for a few years. Their experiences also told

¹⁰⁵ RCIA, 1847, 150.

¹⁰⁶ RCIA, 1848, 448.

¹⁰⁷ "Indian system" was a term used in government correspondence to reference the reservation system and other methods used by the OIA to regulate Native Americans. Many of these modes of control were new in the 1840's and greatly expanded in the 1860s. Prucha, *The Great Father*, 462–478.

them that resistance to removal could be costly. Most removed from their reserve within the time allotted by the treaty.¹⁰⁸

Hastening the move was the unrest and disorder that plagued the communities at Council Bluffs and the Osage River in the months between the treaty and the journeys to the new reservation. Both agents reported that very few Potawatomi planted crops, since it was undetermined where they would be at harvest time.¹⁰⁹ Drunkenness and violence also increased. In the fall of 1847, Osage River sub-agent, Alfred J. Vaughan, reported to Superintendent Thomas Harvey that “9 Pottowatomies and 3 Miamies have fallen by the knife, and some 4 or 5 have died from the effects of intemperance.”¹¹⁰

Though the Potawatomi at Sugar Creek did not put forward a great deal of resistance about leaving their settlement, the process of moving them north was not without trials. Several Potawatomi from Sugar Creek began their journey in November of 1847. They set fire to the mission buildings as they left so that they would not be desecrated by secular use. Though their designated reserve was only ninety miles away, the band traveled only seventeen miles before setting up a camp for a prolonged stay on Mission Creek. In the spring of 1848 a small group from the Mission Creek camp ventured farther and set up a satellite camp on a nearby stream called the Wakarusa.¹¹¹ The missionaries and Potawatomi at Mission Creek, out of necessity, undertook projects to accommodate the population that was increasing each month as more and more

¹⁰⁸ Some left and went to live among friends or relatives from other tribes instead of moving to their newly assigned reservation.

¹⁰⁹ RCIA, 1847, 146-151.

¹¹⁰ Ibid., 148.

¹¹¹ The village of Wakarusa was described in Fr. Maurice Gaillard's 1848 account of the area as “a village containing over 100 lodges, surrounded by fields and gardens.” *Catholic Mirror* (Baltimore), November 16, 1850.

stragglers from Sugar Creek ventured north. By the spring of 1848 they built temporary mission buildings and ploughed fields for crops.

Because it was not on the demarcated new reservation, everyone knew the settlement on Mission Creek was temporary. Throughout the winter of 1847 and spring of 1848, Fr. Verreydt, superior of the Catholic Potawatomi Mission, and various Potawatomi embarked on scouting missions north, in search of a suitable spot for a permanent settlement and mission site. In June of 1848, the site for St. Mary's, one mile north of the Kansas River, was chosen.¹¹²

THE KANSAS RIVER RESERVATION

Despite the federal government's claim that placing the disparate Potawatomi bands on a single reservation would "restore and concentrate said tribes to a state so desirable and necessary for the happiness of their people," for the Potawatomi, life on the Kansas River carried on much as it had on their separate reservations.¹¹³ Reports from OIA officials and missionaries for the rest of the 1840s and all of the 1850s tell a consistent narrative, echoing criticisms and insights from one year to the next. According to these accounts the Potawatomi showed few signs of advancing to assimilation in American society, and what "progress" they did exhibit was achieved solely by the Mission Band and not the Prairie Band. The agents lamented that whiskey sellers and undesirable non-native Americans were a constant plague on the reservation and

¹¹² Until 1854, annual reports sent in from Fr. J. B. Duerinck, Superintendent of the St. Mary's Pottawatomie Mission Manual Labor School, were addressed from Nebraska Territory. After the Kansas-Nebraska Act of 1854 they were addressed from Kansas Territory.

¹¹³ Kappler, *Indian Affairs: Laws and Treaties*, II:557. The Kansas River is known interchangeably as the Kaw River as was the Kansas tribe. The name changed as French and American inhabitants of the region phonetically interpreted what the tribe called itself. Many chose to refer to the river as Kaw and the tribe as Kansas. John Rydjord, *Indian Place-Names: Their Origin, Evolution, and Meanings, collected in Kansas from the Siouan, Algonquian, Shoshonean, Caddoan, Iroquoian, and Other Tongues* (Norman: University of Oklahoma Press, 1968) 23.

throughout the Indian Territory during this period, and there was never enough money or man-power to adequately encourage the “civilization” of the Potawatomi.¹¹⁴

By all accounts, moving thousands of Native Americans from almost a dozen tribes onto the central plains, already home to several powerful Indian nations, had its challenges.¹¹⁵ Territorial conflicts, over-hunting, strife between traditional adversaries and a lack of resources fostered regular conflict among tribes. In 1853 the Potawatomi came to the aid of their Pawnee neighbors who were involved in a skirmish with the “mountain Indians” (presumably the Sioux). After half a day of fighting the Sioux retreated and the Potawatomi returned to their village with twenty or thirty scalps. Much to the chagrin of their agent, who reported that the Potawatomi fought in self-defense, the victorious warriors danced over their spoils for a month.¹¹⁶ A year later, in 1854, the Potawatomi sided with the Sac & Fox in a battle against the Comanche, Kiowa and Apache. At the end of that ordeal twenty-six lay dead among the Comanche and their supporters, while the losses for the Sac & Fox and Potawatomi were “very inconsiderable.”¹¹⁷ The belligerent state of affairs between tribes is understandable when one considers the conditions each group faced. In his report for the Central Superintendency, David D. Mitchell noted that “[v]ast quantities of their game (their only means of subsistence) have been destroyed. Their limited forests have been laid waste, and loathsome diseases (unknown in their primitive state) scattered among them. This is greatly to be deplored; but there is, at present, no remedy.”¹¹⁸

¹¹⁴ RCIA, 1847-1859.

¹¹⁵ For more on Native Americans in Kansas Territory see H. Craig Miner and Williams Unrau, *The End of Indian Kansas: A Study in Cultural Revolution, 1854-1871* (University Press of Kansas, 1990), 1-24.

¹¹⁶ RCIA, 1853, 82-83

¹¹⁷ RCIA, 1854, 77.

¹¹⁸ RCIA, 1852, 67.

Before their removal from the Great Lakes, the Potawatomi regularly engaged in warfare with neighboring tribes, colonial forces, and eventually American soldiers and militias. Under the supervision of an Indian agent and missionaries in Kansas, however, violent skirmishes and conflict were not normal occurrences for most of the Potawatomi. On the new reservation the Potawatomi continued their tradition of settling in small villages centered on extended family groups. Many of the Council Bluffs Potawatomi established homes near the Big and Little Soldier creeks in the northeast section of the reservation, while the majority of the Osage River group settled almost thirty miles south, along the banks of the Kansas River. Communities in the southern section developed around sources of water and landmarks, including Silver Lake, the Vermillion River, and St. Mary's Mission.

Two schools that operated at the Osage River Reservation reopened and serviced the youth on the Kansas River. Missionaries established both institutions in the south near the Christian converts from the Osage River. This group had a history of working with the missionaries and sending their children to school. The Catholic Manual Labor School consistently received praise from the Indian agents and the Superintendent of Indian Affairs. They had a steady stream of students, very little sickness, and were relatively successful at providing enough for themselves. The Baptist Manual Labor School, however, was constantly plagued with illness and repeatedly reported as not up to par by OIA officials.¹¹⁹

While the Potawatomi struggled to live up to the standards of acculturation and progress set by Indian agents and missionaries, they did slowly increase the number of acres under cultivation and started some businesses. By 1857 the Kansas River

¹¹⁹ Ibid., 88.

Reservation supported a wagon maker and his assistant and two full-time blacksmiths who were regularly busy. These positions were funded by the OIA and generally filled by non-Indians. A few tribal members also succeeded at business; Lucius Darling, Hiram Weld, and Joseph Ogee operated ferries on the Kansas River near Uniontown; Charles Beaubien, Joseph Savelle, Joseph Napoleon Bourassa and Lewis Vieux also operated ferries, and Jude W. Bourassa ran a profitable grist mill.¹²⁰

From 1847 to 1861 the condition of the Potawatomi in Kansas can be summarized as follows: as a people they survived, but they did not thrive and they largely adapted to a sedentary lifestyle, but they did not assimilate to the degree desired by the federal government. Most were resigned to their fate of living on a government-assigned reservation for the rest of their lives and simply wanted to be left in peace and in one place. Federal officials also had to accept that removing Indians to Kansas did not solve any problems; it just moved them across the Mississippi River. The opinions of many in the OIA at this time are conveyed by the sentiments of Superintendent Alexander Cummings. In 1856 he reported that “[t]he remnants of the once large tribes of Indians that resided east of the Mississippi have been forced, by the pressure of civilization, step by step across the continent to their last homes and graves in the Territory of Kansas; beyond this point they cannot well be driven, as there is no longer any outlet for them.”¹²¹ There had to be an alternative means of approaching U.S./Native American relations. In 1861 some of the Potawatomi entered into the experiment of allotment and U.S. citizenship with the hope that it would finally be the answer.

¹²⁰ Edmunds, “Indians as Pioneers: Potawatomis on the Frontier,” 349. RCIA, 1857, 174.

¹²¹ RCIA, 1856, 70

Chapter 2: A Certain Time and Place:

The Larger History that Created the Potawatomi Treaty of 1861

Property has been taken by whites, which was notoriously the property of an Indian. I have applied in behalf of the Indian to the United States court for redress, and been told, ‘the offence not having been committed upon an Indian reserve, the United States court has no jurisdiction.’ Applying then to the state courts, it was determined that, inasmuch as the Indian was not a citizen of the United States, or of the State of Kansas, he had no right in the courts of the State to redress his grievances. However unjust or unwarranted such a decision, the fact and difficulty remains.¹²²

- Dr. Luther Palmer

In the mid-nineteenth century, America was the site of great geographic expansion, social change, and political chaos. Many of the seminal events that occurred during this era directly impacted the residents of Kansas and its development as a state. Author Deborah Goodrich Bisel wrote in her 2012 book, *The Civil War in Kansas*, that upon examination of American history during this era it became apparent that, “all historic roads lead to Kansas...[f]rom Bleeding Kansas to the Civil War and the Plains Indian wars, there is no more compelling time in our nation’s history, and Kansas was the center of it.”¹²³ This assertion could be contested; however, Kansas was the stage for many watershed moments in the narrative of American history. As the United States rapidly acquired and developed new territories in the West, settlers, innovators, and entrepreneurs seized the opportunity for growth and profit. Emigrants traversed overland

¹²²RCIA, 1867, 305. Dr. Luther Palmer was a non-Indian physician assigned to the Potawatomi reservation. He included the above statement in his annual report to the Commissioner of Indian Affairs. Palmer’s use of the word “notoriously” in this context is most likely a result of his effort to tailor his commentary to his audience. The Commissioner of Indian Affairs was at the center of shaping an Indian policy that would open up as much tribally and Indian owned land for non-Indian settlement as possible in 1867. Since Palmer was a strong advocate for the rights of the Citizen Potawatomi, one assumes that he chose this word to reflect the opinions of the squatters who had taken the land.

¹²³ Debra Goodrich Bisel, *The Civil War in Kansas: Ten Years of Turmoil* (The History Press, 2012), 14.

trails to lands along the Pacific coast and railroad companies scrambled to buy land and build track through Kansas to support and spur the expansion. Sectional tensions over issues of states' rights and slavery that simmered for years erupted into a violent civil war that levied a heavy toll of death and destruction, which impacted the country for decades. All of these events directly affected the lives of the Potawatomi and other Native Americans residing in Kansas.

For the indigenous population throughout the mid- and far-West, the period was equally tumultuous, because the chaos of the era translated into significant changes to the federal government's Indian policies from removal to one of assimilation. The implications of the new assimilation policies of allotment and U.S. citizenship, even once enacted, were unclear to both the Potawatomi and federal officials. The dubious nature of these policies demonstrates why it is difficult to write a straightforward narrative history of either U.S. Indian policy or Potawatomi history during this period.

From the 1830s through the 1870s the OIA largely committed to policies of removing Native Americans from their homelands in the East and creating reservations to contain them beyond the Mississippi River. After only a few decades it became apparent that reservations did not solve the federal government's Indian problem, they simply moved it west. In the middle of the century the government decided to test a new approach to the "Indian question" with the Potawatomi and a few other tribes in Kansas.¹²⁴ In 1861, the Potawatomi entered into a treaty agreement with the federal government that initiated the process for acquiring fee-simple land allotments and U.S.

¹²⁴ The "Indian question" is a term that has been popularly adopted to refer to the federal government's Indian policy and the way they choose to interact with Native Americans. In 1874, former Commissioner of Indian Affairs Francis Amasa Walker wrote a book titled *The Indian Question*, which criticized his successors. Francis Amasa Walker, *The Indian Question* (J.R. Osgood and Company, 1874). Among the tribes who traditionally lived in Kansas or were removed to the region like the Potawatomi were the Delaware, Kansa, Kickapoo, Miami, Osage, Odawa, Pawnee, Sac and Fox, Shawnee, Wyandot, and others.

citizenship for almost two-thirds of its members. This group, which became known as the Citizen Potawatomi, was among the first tribes to enter into a treaty agreement that included both conditions.¹²⁵ The decade that followed brought both successes and great challenges as the Citizen Potawatomi struggled to navigate their evolving status as Native Americans, U.S. citizens, land owners and dispossessed people.

This chapter examines why this shift in Indian policy began, in earnest, in Kansas and why the transition to assimilation via land ownership and citizenship occurred in the 1850s and 1860s. Examining the national and local developments of this period helps explain the OIA's change in Indian policy from removal and the creation of reservations to the assimilation of Indian peoples. Westward expansion by emigrants bound for gold mines and other opportunities on the West coast and pioneers desperate to claim a homestead on the Great Plains meant that the practice of non-Indian encroachment onto Indian lands continued after the tribes had been removed from their homelands. The development of the railroad system encouraged dispossession to occur at an accelerated pace, and a decade of violence between Bleeding Kansas and the beginning of the Civil War meant that U.S. Indian policy changes occurred at an exceptionally chaotic time in U.S. history. Treaties with tribes originally from Kansas and others who were moved there, along with legislation like the Kansas-Nebraska Act and the Homestead Act, helped achieve the federal government's objective of opening millions of acres that comprised the reservations to non-Indian settlement. The unprecedented dispossession

¹²⁵ In 1839 Congress approved an act that allotted land in fee-simple and extended U.S. citizenship to the Brothertown Indian group in Wisconsin. This Indian community, made up of Pequot, Mohican, Oneida, and Stockbridge, was the first to enter into this kind of relationship with the federal government. After allotting the Brothertown Indians, the federal government assigned private land parcels (without the condition of citizenship) to Native Americans sporadically throughout the 1830s and 1840s, primarily through treaties instead of congressional acts.

and violence that occurred from 1850-1860 led to requisite changes in the federal government's Indian policy.

The Citizen Potawatomi 1861 Allotment and Citizenship Treaty was part of the larger effort to dismantle Native American land tenure in Kansas. The treaty was one of the first to include clauses for fee-simple allotment and U.S. citizenship. To fully appreciate its significance one must consider the gravity of the government's assumption that they could easily dissolve tribal identity and culturally remake Native Americans into landowning citizens who were willing to leave centuries' old traditions behind with the stroke of a pen. The final pages of this chapter will explore the complications and contradictions implicit in the concepts of landownership and U.S. citizenship for Native Americans at this point in history. In the midst of turbulent decades that brought sweeping changes like mass emigration, railroad expansion, and the Civil War to the West, the new U.S. Indian policies were not only poorly planned and hastily executed; they were also wrought with short-sightedness and unrealistic expectations. Secretary of the Interior, Jacob Thompson, commented on the federal government's plan to allot private parcels of land as a way to help the Native Americans of Kansas "attain the level of his neighbors," lamenting that "[u]nhappily for the success of this scheme, an unprecedented tide of emigration pressed into Kansas and Nebraska."¹²⁶ Ostensibly crafted to fulfill the pressing desires of the federal government and non-Indians before the needs of the Native Americans subject to them, such policies represented an attempt to reconfigure Potawatomi life and culture through citizenship. Such changes were not as totalizing as the government hoped.

¹²⁶ J. Thompson, "Report of the Secretary of the Interior," December 3, 1857, Sen. Exec. Docs., 35 Cong., 1 Sess., Vol. 2, Doc. 11, pp. 63.

A FRONTIER FOR SETTLERS, BUT A HOME FOR THE POTAWATOMI

The people of Kansas, both Indian and non-Indian, were at the center of many landmark political and social battles in the nineteenth century, largely a consequence of geography. Kansas and the other states and territories at the heart of the continent lay along the entry point to the West in the 1850s. Chicago and St. Louis were well established by this time and evolving into bustling metropolises.¹²⁷ Population growth and developing urbanization in the Old Northwest meant that the expanses of the central plains were the gateway to opportunity for enterprising Anglo-Americans who were willing to take a chance on resettlement as well as recent immigrants from abroad.¹²⁸ Thrust into the middle of this emerging culture of resettlement was the region's oldest inhabitants and its newest arrivals: the indigenous peoples of the plains and the tens of thousands of Native Americans moved west of the Mississippi River in the 1830s and 1840s.¹²⁹

In 1846, the United States acquired the territory in the Pacific Northwest from Great Britain through the Oregon Treaty. Two years later, in 1848, the federal government negotiated the Treaty of Guadalupe Hidalgo with Mexico, annexing the region that became California, Nevada, Utah, and parts of Arizona, New Mexico, and Colorado. The addition of these uncharted lands enticed thousands of land-hungry settlers to leave their homes in the East for opportunity in these newly obtained

¹²⁷ For more about the history of Chicago and St. Louis in this period see William Cronon, *Nature's Metropolis: Chicago and the Great West*, 1st Edition (W. W. Norton & Company, 1992); and J. Frederick Fausz, *Founding St. Louis: First City of the New West* (The History Press, 2011). In 1963 construction began on St. Louis' Gateway Arch, a monument to westward expansion and dubbed as the Gateway to the West. St. Louis was also on the border of the Louisiana Purchase and was the starting point for Lewis and Clark's expedition in 1804.

¹²⁸ The land comprising the Old Northwest included the territory between the Great Lakes, the Mississippi River, and the Ohio River.

¹²⁹ Approximately 10,000 Native Americans were moved from their homes in the East to reservations in eastern Kansas. RCIA, 1855, 575-576.

territories. Just a few years after the Potawatomi moved onto their reservation on the Kansas River, miners discovered gold in California. The chance to strike it rich further spurred migration. The flood of non-Indians to the same region proved to be a significant burden to the tribes' efforts to establish new settlements. Within a few years thousands of additional prospectors, emigrants, and thrill-seekers tore through the country on their journey west by way of the California and Oregon Trails.¹³⁰ The most commonly used routes ran along the Kansas River, cutting through the middle of the newly established Potawatomi reservation. The proximity of Fort Leavenworth to the reservation, approximately sixty miles northeast, also increased the traffic through their territory. The fort was the last organizing point and major supply station for wagon trains of emigrants setting out for the newly acquired western lands.¹³¹ These travelers dreamed of gold, land, success, and the promise of a new beginning – all of which were seemingly available to anyone willing to make the dangerous journey across the vast unknown of the American West.

Emigrating parties had a sense of entitlement to any provisions they found along the way and took them to aid their travels, and they stole Potawatomi property as a result. The Potawatomi desperately needed the sparse timber on the reservation to build houses, stores, schools and churches; but, parties of emigrant often chopped down and burned or carted off the resources with no intention of compensating the Indians or consideration of tribal ownership.¹³² Even more devastating for the Potawatomi were the outbreaks of diseases like typhoid and cholera on the reservation. The illnesses contaminated the

¹³⁰ Some estimates put the number of emigrants who traveled the Oregon Trail between 1840 and 1860 at more than 300,000. Edmunds, "Indians as Pioneers: Potawatomis on the Frontier," 342.

¹³¹ Spencer C. Tucker, *The Encyclopedia of North American Indian Wars, 1607–1890: A Political, Social, and Military History* (ABC-CLIO, 2011), 289.

¹³² In 1861 the Delaware's agent reported that between 1854 and 1861 non-Indians in the area stole \$48,750 worth of timber and \$32,227 in other property from the tribe. Thomas Sykes to House Committee on Indian Affairs, February 1, 1861, Record of the United States House of Representatives.

water supply and proved to be a constant plague to residents.¹³³ The flood of outsiders resulted in a constant assault on the health, privacy, well-being, and infrastructure of the Potawatomi Nation.¹³⁴

More troublesome than emigrating parties were settlers who decided against continuing west. The arable lands and adequate sources of water found on the plains of Kansas compelled many to stay for the possibility of a different opportunity – owning, farming, and raising livestock on their own piece of land.¹³⁵ Each year numerous settlers and traders came to eastern Kansas and squatted on tracts that appealed to them even though none of the land in the region was legally available for public purchase or settlement because of reservation boundaries and treaty agreements between the federal government and tribes removed from the East. The legal restrictions on the land did not concern territorial officials who should have enforced the laws or the individuals who wanted to make their homes on Indian land. Kansas was prime reality, crucial in the plan to build a transcontinental railroad, and a pawn in the national struggle over the issue of slavery. Caught in the turmoil of westward expansion, questions of Indian treaty rights quickly became less significant than the establishment of non-Indian settlements. The largest and most aggressive entities in the push West during this period were the railroad corporations from the East.

¹³³ The Kansas River reservation experienced a serious outbreak of cholera in the summer of 1849. Residents of a trading post on the reservation, Uniontown, burned it to the ground in an effort to stem the tide of the outbreak and the settlement was abandoned all together in 1855.

¹³⁴ The availability of timber was one of the reasons the Potawatomi chose the area north of the Kansas River for their reservation. The relatively sparse woodlands in the central plains, in comparison with the Potawatomi homelands in the Great Lakes, were a difficult enough adjustment. The relationships between resident Indians and non-Indian emigrants were not all contentious; they were often based on trade. Some Potawatomi businessmen and farmers benefitted from travelers who needed to restock supplies and were willing to sell their livestock as part of the deal. For more about the relationships between emigrants and tribes on the Great Plains see Michael L. Tate, *Indians and Emigrants: Encounters on the Overland Trails* (University of Oklahoma Press, 2006).

¹³⁵ As noted in Chapter 1, the mere presence of Native Americans on a tract of land made it more appealing because it was proof that it could support a family.

RAILROADS, ALLOTMENT, AND THE CIVIL WAR

The population boom in the West and the expectation that settlers would continue to emigrate produced a justification for a mode of reliable, and relatively cheap, transportation across the continent. Overland trails were fraught with hazards and travel across them was slow and expensive. Railroad magnates from the East recognized the opportunity to expand their industry and began building track at a furious pace beginning in the 1850s. Historian Richard White argues that the transcontinental railroad was built before it was necessary, track was over build, and the entire system was grossly mismanaged. He offers that “if the country had not built the transcontinental railroads, it might not have needed them until much later, when it could have built them more cheaply, more efficiently, and with fewer social and political costs.”¹³⁶

Regardless of the necessity for a transcontinental railroad, in 1862, Congress passed the Pacific Railroad Act, allowing the railroad companies to create a connection between the industrial urban centers of the East with fledgling communities in the West. Teams of laborers completed the task in 1869 when a railroad executive drove the final spike into the track at Promontory Summit, Utah.¹³⁷ Ferocious competition in the railroad industry resulted in a flurry of track building during this era. The number of miles of railroad track in the West increased ten-fold from 1,276 in 1850 to 11,400 in 1860, and then doubled to 24,587 by 1870. By 1870 there was almost as much railroad

¹³⁶ Richard White, *Railroaded: The Transcontinentals and the Making of Modern America*, 1st Edition (W. W. Norton & Company, 2011), 517.

¹³⁷ *Ibid.*, 1–38. Though the actual track of the intercontinental railroad ran just north of Kansas in modern-day Nebraska, the act aided railroad construction in general by providing extensive land grants in the western United States.

track in the West as there was in the rest of the country combined, and it was virtually all laid in just twenty years.¹³⁸

Federal officials helped prepare for railroad construction long before laborers entered Kansas to build track. The OIA parceled out all of eastern Kansas as reservations for tribes removed from the East. In theory, it was not available for exploitation by non-Indians. The federal government was just as eager to connect the new states and territories in the West to the rest of the nation as the railroad executives were to bridge the two markets.¹³⁹ To make that land available for railroad construction, in 1854 the Commissioner of Indian Affairs arranged land cession treaties with several tribes that included clauses allowing the railroad executives to build on former Indian lands and still make a profit for their companies.¹⁴⁰ Rather than asking the railroad companies to purchase lands that they planned to build track on outright, the treaties provided for a simple right-of-way. This caveat meant that the railroads were only required to pay “just compensation” for damages incurred by Indian lands in relation to railroad construction on the respective reservations. Restrictions and guidelines for track construction were not included in the treaties, so the railroad companies could hypothetically plan to build wherever they saw fit.¹⁴¹ As corporations planned to build the transcontinental railroad, the federal government designed a plan to remake U.S. Indian policy.

¹³⁸ Chauncey Mitchell Depew, *One Hundred Years of American Commerce, 1795-1895: A History of American Commerce by One Hundred Americans, with a Chronological Table of the Important Events of American Commerce and Invention Within the Past One Hundred Years* (D.O. Haynes, 1895), 111.

¹³⁹ Land grants were also given to states to build canals, improve rivers, and other forms of infrastructure that could improve life for residents living on and isolated frontier. Paul Wallace Gates, *Fifty Million Acres: Conflicts Over Kansas Land Policy, 1854-1890* (University of Oklahoma Press, 1997), 4.

¹⁴⁰ The Oto and Missouri, Delaware, Shawnee, Iowa, Sauk and Fox, Miami, Kaskaskia, Wyandot, and Kickapoo entered into large cession treaties. The Potawatomi were not included in this series of treaties.

¹⁴¹ Kappler, *Indian Affairs: Laws and Treaties*, II:617,623, 630, 633, 635, 646.

Throughout the 1850s the federal government began developing a plan to make assimilation the next stage of its ever-evolving Indian policy. Negotiating allotment treaties with the removed tribes now residing on the central plains was part of that plan and would result in mass “surplus” acreage. Railroad promoters realized that with a little pressure they could acquire significant tracts of these surplus Indian lands. They could also exploit the natural resources on those acres, like timber and minerals, for their own benefit and profit, or they could sell the land at a higher price to settlers once the track was complete.¹⁴²

By 1861 a planned route for a rail line through Kansas was in place and a few tribes, including the Potawatomi, entered into new agreements that gave permission for select railroad companies to purchase large quantities of unallotted tribal land.¹⁴³ The details of the treaties varied slightly (the particulars of the Potawatomi agreement are explored in the next chapter), but all of them guaranteed the railroad received far more land than required to build the track. Each agreement provided that the railroads could use the acreage and take resources from the reservation necessary to complete construction. Since the expansion of the American economy and society was the underlying goal of the treaty, the government stipulated that the railroad companies were required to open the unused acres for sale to non-Indian settlers. While the railroad system worked to physically bind the Union together, other issues were creating a schism that nearly tore the country apart.

In the years before the Civil War, the national crisis over the expansion of slavery into the West raged in Kansas and produced incredibly bloody fights. In 1854 the

¹⁴² H. Craig Miner and William Unrau, *The End of Indian Kansas: A Study in Cultural Revolution, 1854-1871* (University Press of Kansas, 1990), 26.

¹⁴³ Kappler, *Indian Affairs: Laws and Treaties*, II:803–807, 824–828, 835–839. The Delaware, Potawatomi, and Kickapoo all entered into treaties with railroad clauses.

Kansas-Nebraska Act organized the central plains into two territories and effectively repealed the Missouri Compromise of 1820. The act admitted Nebraska as a free territory and Kansas as a territory “with or without slavery, as their Constitution may prescribe at the time of their admission.”¹⁴⁴ Applying popular sovereignty to the question of slavery made the new Kansas Territory the battleground for violent confrontations between anti-slavery free-staters and pro-slavery settlers. Members of each ideological faction moved to the territory in an attempt to ensure that the opposition did not gain the upper hand. The series of skirmishes that occurred between supporters of each cause over the next five years were so violent the conflicts became known as Bleeding Kansas.¹⁴⁵

There were several instances of fighting in eastern Kansas, especially in the east central region of the territory where the Potawatomi resided until 1846. In May of 1856, John Brown and a small militia of anti-slavery supporters who called themselves the Pottawatomie Rifles, attacked a pro-slavery settlement north of Pottawatomie Creek, killing five settlers. The attack became known as the Pottawatomie Massacre gaining its moniker from its location.¹⁴⁶ A few months later pro-slavery militia killed one of Brown’s sons, Frederick, during the Battle of Osawatomie, which also occurred within the boundaries of the previous Potawatomi reserve and was less than eighty miles from where the Potawatomi lived at the time.¹⁴⁷ When war officially broke out in 1861, many

¹⁴⁴ *An Act to Organize the Territories of Nebraska and Kansas*, 1854.

¹⁴⁵ The details of this tumultuous period are analyzed in Nicole Etcheson, *Bleeding Kansas: Contested Liberty in the Civil War Era* (University Press of Kansas, 2006); Donald L. Gilmore, *Civil War on the Missouri-Kansas Border* (Pelican Publishing, 2006). Most of the skirmishes of Bleeding Kansas occurred between 1854 and 1856, but violence did not end completely until 1859.

¹⁴⁶ Despite their name, no Potawatomi are known to have been members of the Pottawatomie Rifles. The group took its name from the creek that ran through the area.

¹⁴⁷ M.M. Quaife, “Bleeding Kansas and the Pottawatomie Murders,” *The Mississippi Valley Historical Review* 6, no. 4 (1920): 556–560. Gilmore, *Civil War on the Missouri-Kansas Border*, 82–89. The Pottawatomie Rifles were led by Brown’s son, John Brown Jr. The Potawatomi removal from this treaty as a result of a treaty in 1846 is discussed in chapter 1.

of the tribes in Kansas including the Potawatomi officially remained neutral; but at least seventy-one Potawatomi men chose to take up arms with the Union. Many of those who enlisted died on the battlefield, in hospitals, or in southern prisons.¹⁴⁸

The Potawatomi were superior warriors who engaged in battles with neighboring tribes long before the arrival of Europeans and forged military alliances with and against colonial powers after, so they were not strangers to war and violence. The fighting of Bleeding Kansas and the Civil War, however, was different for the Potawatomi than all of the wars in their past. They were no longer in their ancestral lands fighting for their homes and way of life. The Indian agent confined them to the reservation. The fighting and violence was happening all around them, and there was little they could do about it, except to take up arms. The Potawatomi who chose to do so supported the Union.

The Potawatomi signed their allotment and citizenship treaty in November of 1861, seven months after the official declaration of war and eleven months after the admission of Kansas as a free state. The pre-treaty negotiations and discussions between the OIA, other government officials, and the Potawatomi regarding the allotment of the reservation took place in a year filled with unprecedented national violence and turmoil, as well as the transition of Kansas' territorial government to a state one. These critical experiences and the threat of further violence or removal secured Potawatomi support of the Union over the Confederacy. It was safer to side with a government with whom they had negotiated than with one they had not. It also shaped the Potawatomi response to pressure from the OIA to enter into an allotment and citizenship treaty.

¹⁴⁸ RCIA, 1865, 376. Citizen Potawatomi known to have fought in the Civil War include Richard Bertrand, Francis Bergeron, Joseph Bourassa, Theodore Bourassa, Wesley Lewis, Francis Lafromboise, Mitchell Lafromboise, Alexander Rodd, Pe-Nosh, Wah We Ah Kmuk, and George B. Vanarsdale. Civil War Collection, Citizen Potawatomi Nation Cultural Heritage Center Archives, Shawnee, OK.

Both the creation of the transcontinental railroad and the outbreak of the Civil War impacted the lives of almost every American, including the Potawatomi. These national changes caused the termination of Kansas as “Indian Territory” in name and the invasion by non-Indians of a land that was supposed to be a new home for Native Americans removed from the East. The majority of the West was now open to non-Indian settlement and there was little desire to uphold the promises made to the tribes about their land tenure.

FROM INDIAN TERRITORY TO STATEHOOD: LEGISLATING THE NON-INDIAN SETTLEMENT OF KANSAS

“The Best Place to Get a Farm is on the line of the Kansas Pacific R’y” read the headline of a broadside advertising five million acres of land for sale in Kansas. The poster insisted that “The climate is very mild. The Winters are short. The Water is pure and good, and the Grasses are exceedingly nutritious. Fortunes are being made in Cattle and Sheep raising.”¹⁴⁹ This advertisement is a single example of a larger campaign to promote Kansas as a land of abundance and opportunity for potential settlers. Praise like this from politicians, executives, and boosters did not reveal the fact that when Kansas first opened for settlement in May of 1854, not one acre of land was available for sale to the public because the tribes removed from the East still comprised almost the entire eastern third of the territory where different groups lived on land that was “reserved” for them.¹⁵⁰ In the years that followed the opening of Kansas to non-Indian settlement, legislators and officials in the OIA passed laws and created policies that historian Paul Wallace Gates called “the most complex and confusing array of policies affecting the distribution of the public lands and the transfer to white ownership of Indian land-rights

¹⁴⁹ *Kansas Pacific Homesteads*. Broadside, n.d. (Newberry Library).

¹⁵⁰ Gates, *Fifty Million Acres*, 3.

that has ever emerged in the continental United States.”¹⁵¹ Despite these complications, mass emigration to the West and a general land hunger drove almost 100,000 people to seek opportunity on the vast plains of Kansas territory between 1854 and 1860.

Both incoming settlers and territorial officials felt that tribal ownership of millions of acres created a significant hindrance to the potential prosperity of these settlers, as well as an obstruction to opportunities for commercial development and political enfranchisement of the region. The General Land Office, which had jurisdiction over lands in the public domain, and the OIA, which was responsible for tribal lands, oversaw land-grab policies. Both offices significantly reduced tribal land tenure in Kansas by forcing large numbers of the resettled and native Indian population to move. In the 1850s and 1860s some portion of every tribe in the state entered into a treaty with the government that reduced their land tenure, either through cession or allotment.

Arranging these treaties with tribes in the West did not occur with any regularity until President Franklin Pierce appointed George W. Manypenny as Commissioner of Indian Affairs in 1853.¹⁵² Following the increasingly popular belief that private landownership would move Native Americans toward civilization, Commissioner Manypenny arranged a series of treaties with the tribes in Kansas to take land allotments and sell off the “surplus” acreage. The legal foundation for land cessions in Kansas came from a provision added to an appropriations bill passed in 1853. It authorized the president to negotiate treaties with tribes in the unorganized territories of Kansas and Nebraska “for the purpose of securing the assent of said tribes to the settlement of the citizens of the United States upon lands claimed by said Indians, and for the purpose of

¹⁵¹ Ibid.

¹⁵² Only eighteen treaties were negotiated with Indian tribes between 1840-1849. Of those, only two were with tribes from the West, the Navaho and Utah. Manypenny negotiated eighteen treaties in 1854 alone. Kappler, *Indian Affairs: Laws and Treaties*. George Manypenny served as Commissioner of Indian Affairs from 1853 to 1857.

extinguishing the title of said Indian in whole or in part to said lands.”¹⁵³ The bill gave no specifics about where the Indians would go if they did agree to a treaty for all of their lands, but the government obviously wished to secure the option to remove them if it chose to do so in the future. Clearly, the important issue was to secure land for the settlement of Americans, not Native Americans. What to do with the Native Americans moved to Kansas within the last three decades was a secondary issue. Like most land negotiations with Native Americans, Commissioner Manypenny’s treaties took as much land from the tribes as possible.

In 1854 and 1855 Commissioner Manypenny arranged land cession treaties with the Oto and Missouri, Delaware, Shawnee, Iowa, Sauk and Fox, Kaskaskia, Wyandot, Miami, and Kickapoo.¹⁵⁴ All of the treaties had similar components: stipulations for large land cessions, a survey of the land so that the new owners could list the ceded land for public auction, provisions for payment for the lands, and an option for the tribes to take personal land allotments if they ever wanted.¹⁵⁵ These treaties opened approximately thirteen million acres of surplus land for purchase by the United States. There was no suggestion of full-scale removal of tribes from Kansas in these documents, so when the lands were put on the market for settlers and land speculators they took up residence among the tribes.

Commissioner Manypenny aggressively pursued these large land cessions from tribes soon after his appointment to prepare for the Kansas-Nebraska Act. Passed by

¹⁵³ *An Act Making Appropriations for the Current and Contingent Expenses of the Indian Department, and for Fulfilling Treaty Stipulations with Various Indian Tribes, for the Year Ending June Thirtieth, One Thousand Eight Hundred and Fifty-four*, 1853, 238–239. The bill appropriated \$50,000 for these negotiations.

¹⁵⁴ The Potawatomi were not included in this round of treaties. The Wyandot were the only tribe that also had a treaty provision for U.S. citizenship.

¹⁵⁵ Land allotments were not a requirement as part of these treaties; they were simply to arrange the cession of land. The OIA did not have a policy for allotment developed at this time, but they did not want to deter a tribe that chose to allot their land.

Congress in May of 1854, the Kansas-Nebraska Act organized the region into distinct territories and reduced the area of Indian Territory to a fraction of its previous acreage.¹⁵⁶ Settlers flooded into the new territories, some just to settle, while others had political motives. As described above, the debates behind the Kansas-Nebraska Act were based on contentious issues like popular sovereignty and the extension of the railroads. The outcome of both questions had a direct tie to Native American permanence in Kansas.

The organization of the territories also signaled the demise of promises made to tribes in treaties dating from 1825 to 1846, which assured them that Kansas would be their home “as long as the grass grew or water run.”¹⁵⁷ The government’s decision to open Kansas Territory to settlers on May 30, 1854, before many of the cession treaties with tribes were complete and before any of them were ratified, resulted in confusion about what lands were available and which areas were still in the hands of the tribe. The ambiguous boundaries allowed non-Indian intrusion on Indian lands.

A year after the Kansas-Nebraska Act, on November 3, 1855, Potawatomi Indian agent George Clarke reported that he could do nothing to expel hundreds of squatters who illegally took up residence on the Potawatomi reservation because there was no legal guideline for the process.¹⁵⁸ Before the territory was organized the federal government

¹⁵⁶ In 1853 Indian Territory (or Unorganized Territory) consisted of most of the territory that makes up the modern states of Oklahoma, Kansas, Nebraska, South Dakota, North Dakota, Montana, Wyoming, and Colorado. After the Kansas-Nebraska Act, Indian Territory was reduced to the area of Oklahoma, not including the panhandle. For a series of well-researched essays on the impact of the act on nation and local politics see John Wunder and Joann M. Ross, eds., *The Nebraska-Kansas Act of 1854* (University of Nebraska Press, 2008).

¹⁵⁷ RCIA, 1854-1855, 218. The first removal treaty that settled a tribe in Kansas was the Shawnee treaty of December 30, 1825 and the last was the June 1846 treaty with the Potawatomi that moved some of the tribe from Iowa and the rest from southern Kansas.

¹⁵⁸ LR-OIA, George Clarke to Cummings, November 3, 1855, Potawatomi Agency. Five years later, in 1860, the agent for the Potawatomi, William E. Murphy, had the same problem of unclear authority, lamenting that “this thing of selling whiskey to Indians, I think, is the meanest, and I have been paid to reflect that I had neither the power nor authority to prevent it, there being no law of Congress, or of the Territory, against such a despicable thing.” RCIA, 1860, 109.

had sole jurisdiction. Per Section Nineteen of the Kansas-Nebraska Act, the Indian reservations in Kansas were not to be “included in the territorial limits or jurisdiction of any State or Territory; but all such territories shall be excepted out of the boundaries, and constitute no part of the Territory of Kansas.”¹⁵⁹ This clause meant that, after the Kansas-Nebraska Act, the territory had checkerboard federal and territorial purview. Jurisdictional restrictions meant that the Indian agents could not call on local law enforcement; instead they needed the aid of the United States Army to police the reservations. Violent skirmishes of Bleeding Kansas between pro-slavery and free-state factions kept Army personnel in the territory busy in the seven years between the establishment of Kansas Territory and the Civil War, so requests for troops rarely met with action. In this sense, the violent expressions of tensions over slavery may have delayed the violent expressions of tensions surrounding Indian dispossession.

In 1857 the Secretary of the Interior admitted that the rushed opening of Kansas Territory was an error and noted that, “the result has been disastrous. Trespassed upon everywhere, his timber spoiled, himself threatened with personal violence, feeling unable to cope with the superior race that surrounded and pressed upon him, the Indian proprietor has become disheartened. Many of them have abandoned their reserves, and still more desire to sell.”¹⁶⁰ Despite the federal government and OIA’s knowledge that cession treaties and opening land to settlers was usually destructive to the lives of Native Americans, they still arranged a similar treaty with the Potawatomi four years later.

After seven years as a territory, Kansas was admitted as a state in January of 1861. The only stated criterion for admission to the Union at that time was a population

¹⁵⁹ *An Act to Secure Homesteads to Actual Settlers on the Public Domain*, 1862.

¹⁶⁰ J. Thompson, “Report of the Secretary of the Interior,” December 3, 1857, Sen. Exec. Docs., 35 Cong., 1 Sess., Vol. 2, Doc. 11, pp. 63.

large enough to allow a delegate to the House of Representatives. In 1860 Kansas' population was approximately 107,000. Over the next ten years it grew 240 percent to 364,339.¹⁶¹ A great majority of this population emigrated to the area because of the Homestead Act, passed by Congress in May of 1862. The Homestead Act opened federal lands in the West, for little or no cost, to applicants who met a few basic requirements, including: they had to swear that they never took up arms against the United States, they had to be 21 years of age or the head of a household (included newly freed slaves and women), and they had to reside on the plot for five years and improve the land in some way.¹⁶² Though Kansas was dissolved as an Indian Territory in name, in 1854, it was still a place with a significant ratio of Indian to non-Indian residents until overwhelming numbers of settlers were enticed to move to the state as a result of the Homestead Act. Following that the Native American population was considerably outnumbered.

Though the intention is not clear, Congress did not permit for large areas of land in Kansas to be disposed of by the conditions of public land policies, like the Homestead Act. Reservation lands in the eastern part of the state were never part of the public domain, so they were, therefore, not subject to policies related to preemption and homesteading. Per the 1854 treaties with individual tribes, unallotted Indian lands were supposed to transfer to the United States to be held in trust. Under special clauses written into a few treaties, like the one with the Potawatomi, land was frequently transferred directly to individuals or companies (like the railroads) rather than the United States.¹⁶³

¹⁶¹ Kenneth N. Owens, "The Prizes of Statehood," *Montana: The Magazine of Western History* 37, no. 4 (Autumn 1987): 4. Huber Self and Stephen E. White, "One Hundred and Twenty Years of Population Change in Kansas," *Transactions of the Kansas Academy of Science (1903-)* 89, no. 1/2 (1986): 12.

¹⁶² *An Act to Secure Homesteads to Actual Settlers on the Public Domain.*

¹⁶³ Paul Wallace Gates, "A Fragment of Kansas Land History: The Disposal of the Christian Indian Tract," *Kansas Historical Quarterly* 6, no. 3 (August 1937): 227.

Congress never created a uniform policy for the disposition of Indian lands in Kansas. Some settlers purchased tracts directly from the federal government, railroad companies purchased other parcels from tribes and then sold to settlers, and many acquired their plots through the Homestead Act. The diffused process allowed speculators and settlers to gain possession of these tracts with greater ease than they would if there were a single policy with strict guidelines in place.

COMPLICATING THE CONCEPT OF INDIANS AS LANDOWNERS AND CITIZENS

Transferring land from the possession of tribes and individual Native Americans to non-Indians was only one element in the federal government's answer to the "Indian question." Assimilation, as a professed goal for Native Americans, was very new in the 1860s and not yet developed into a full-scale Indian policy. Private landownership or U.S. citizenship were the two methods of assimilation eventually imposed on almost all Native Americans by the end of the nineteenth century, but when the Citizen Potawatomi entered into a treaty that included clauses for *both* conditions there was almost no precedent.¹⁶⁴ It is important to take a step back from the specifics of one tribe's experience to first consider the audacity and short-sightedness of applying private landownership and U.S. citizenship to a native group in the midst of dynamic events of the mid-nineteenth century that often worked in direct opposition to the professed goals of the policy.

The intentions of the federal government are well-represented in a report from Secretary of the Interior, Jacob Thompson, in 1857. In the report he lamented that Native Americans had reached a critical point in their history because, despite removal, the "westward march of emigration" had overtaken them and was starting to put pressure on

¹⁶⁴ The application and outcomes distinct to the Citizen Potawatomi treaty of 1861 will be examined in the following chapter.

the removed Indians. He conceded that removing all of the Indians further west was “impracticable” because the country around the Rocky Mountains and in the Southwest did not have enough resources to support all of them. Instead, he professed, the Indians in Kansas had to “make a stand and struggle for existence, or his doom is sealed.” Thompson’s proposed method for Indian survival was Jeffersonian in nature – they had to assimilate.¹⁶⁵ He reported that “if he [the Indian] cannot adopt the habits, and rise to the level of his white neighbor, he must pass away.” There were no further suggestions about how the Native Americans in Kansas should go about doing this, but the Secretary did warn that “the necessity of devising some policy which shall meet the emergency presses itself upon the government at this time with peculiar force.”¹⁶⁶ Like Jefferson’s ideas, the goal of assimilation was cast as a noble one because it could save a “dying race.” The process proved to be difficult to administer, however, and usually unwelcome in practice.

The first step the federal government took to assimilate the Native Americans of Kansas was to break up the reservations by pushing for allotment of private plots. The notion of Indians as private landowners was not new in the 1850s and 1860s.¹⁶⁷ Throughout the late eighteenth and early nineteenth centuries, the federal government included special clauses for private plots of land, usually for prominent village leaders, when they drafted treaties calling for large land cessions east of the Mississippi River. Treaty negotiators used cession agreements with special conditions for leaders to make, or keep, peace between settlers and Native American communities before removal

¹⁶⁵ Thomas Jefferson regarded Native Americans as physiologically equal to white people and called for their assimilation into white society. For more on Jefferson’s Indian policy see Wallace, *Jefferson and the Indians*.

¹⁶⁶ J. Thompson, “Report of the Secretary of the Interior,” December 3, 1857, Sen. Exec. Docs., 35 Cong., 1 Sess., Vol. 2, Doc. 11, pp. 63.

¹⁶⁷ By 1871, when Congress ceased making treaties with tribes, approximately seventy treaties included provisions for allotment of land to individual Indians. Fixico, *Bureau of Indian Affairs*, 89.

became a common Indian policy. An earlier generation of government officials hoped that the village leaders who gained private allotments would make the cession agreements and convince members of their community to honor the terms of the agreement by abandoning the land. Dozens of individual Potawatomi were included in such arrangements in treaties throughout the nineteenth century.¹⁶⁸

There was growing support for a more extensive policy of allotment at high levels in the federal government by the mid-1800s. In the first decades of the nineteenth century Secretary of War William Crawford, President James Monroe, and Secretary of War James C. Calhoun all voiced support for the practice.¹⁶⁹ By the late nineteenth century, government officials working in Indian affairs professed that allotment preceded assimilation into American society, which was the penultimate answer to the “Indian Question.”¹⁷⁰ Many western settlers were also in favor of granting Indians U.S. citizenship because the nullification of “wardship” status meant less government involvement in their states and territories.¹⁷¹

Not surprisingly, the federal government’s reasons for supporting allotment were not altruistic. They hoped to assimilate Native Americans into mainstream Euro-American society by stripping them of collectively owned land, discouraging engagement

¹⁶⁸ A significant difference between these early allotment agreements and the conditions of allotment in the Potawatomi treaty of 1861 is the exclusion of fee simple agreements. They did not own their land with titles like non-Indians.

¹⁶⁹ Fixico, *Bureau of Indian Affairs*, 87.

¹⁷⁰ Elwell Stephen Otis, *The Indian Question* (Sheldon and Company, 1878). In his book Otis, a Lieutenant Colonel, argued that the benevolent policies the U.S. government had in place for Native American tribes was actually more destructive than productive because it bred dependence. He wanted the Office of Indian Affairs moved back to the War Department. In response to Otis’ work former Commissioner of Indian Affairs, George W. Manypenny wrote *Our Indian Wards*. In it he argued that the Indians of North America were forced to fight American settlers because they were being forced out of their homelands. Rather than a military response, he supported the OIA should retain control and that Native Americans should have access to the U.S. legal system. George Washington Manypenny, *Our Indian Wards* (R. Clarke, 1880).

¹⁷¹ Hoxie, *A Final Promise*, 211–214.

in traditional subsistence and economic practices, and urging them to engage in Euro-American cultural institutions like Christianity and subsistence through farming.¹⁷² By making Native Americans self-supporting citizens the government hoped they could end annuities and aid programs, solving the problem of Indian dependence permanently. Opening surplus lands for the booming railroad industry and thousands of non-Indian settlers was another reason federal officials targeted the Potawatomi and other tribes in Kansas for allotment.

United States citizenship was another method of assimilation placed upon the Potawatomi and other tribes in Kansas during this period. Citizenship was a controversial political topic in the nineteenth century. The decades after the Civil War saw increased challenges to define the obligations and rights of U.S. citizenship and to extend those privileges to millions of individuals living in America. Freed slaves, immigrants, and women all increasingly challenged the status quo of exclusive democratic participation in America during this period, and so did Native Americans. United States citizenship was suggested as one of the necessary milestones on the path to full assimilation for Native Americans, but no details about how they were to become citizens emerged. Even those who supported the policy had reservation. In his 1864 report, Commissioner of Indian Affairs William P. Dole, commented on application of U.S. citizenship to the Citizen Potawatomi by warning that “unless the strictest scrutiny of the qualifications of applicants is made by the courts, very many who are unqualified for so radical a change in their political relations may, through the influence of designing

¹⁷² For more on the Native American response to allotment see Stremlau, *Sustaining the Cherokee Family*. Government officials did seek the guidance and opinions of academics like ethnologists John Wesley Powell and Alice Fletcher, who both supported assimilation as a policy and allotment as an acceptable means to assimilation. Hoxie, *A Final Promise*, 20–29.

whites, be induced to take upon themselves the duties of citizenship, and in the end be found wholly incompetent to discharge the same.”¹⁷³

Several historical monographs, including Frederick Hoxie’s *A Final Promise* and Kim Cary Warren’s *The Quest for Citizenship*, provide well-researched and thoughtful assessments of the path to citizenship for Native Americans, but these works (and most of the existing scholarship) examine the issue after the passage of the Dawes Act in 1887, when a significant percentage of Native Americans were, or would soon become, citizens.¹⁷⁴ The Citizen Potawatomi and other tribes in Kansas lived through the uncertainties of U.S. citizenship for Native Americans for more than two decades before the Dawes Act.

In 1868 Congress adopted the Fourteenth Amendment, giving the federal government responsibility for guaranteeing equal rights under the law to all Americans. The amendment defined national citizenship for first time as extending to “all persons born or naturalized in the U.S.,” but it specifically excluded “Indians not taxed.”¹⁷⁵ The language used to exclude Indians from this new amendment is evidence that the federal government did not know how to approach U.S. citizenship for Native American. They could not exclude all Indians because they had entered into treaties with several tribes that included citizenship clauses, which specifically stated that their property would be “subject to levy, taxation, and sale, in like manner with the property of other citizens.”¹⁷⁶ Also, the future of Indian policy was moving toward allotment and eventual citizenship for all Native Americans.

¹⁷³ Annual Report of the Office of Indian Affairs. Commissioner William P. Dole to Secretary of the Interior J.P Usher, 1864, 35.

¹⁷⁴ Hoxie, *A Final Promise* and Kim Cary Warren, *The Quest for Citizenship: African American and Native American Education in Kansas, 1880-1935* (University of North Carolina Press, 2010).

¹⁷⁵ U.S. Constitution, amend. 14, sec. 1 and 2.

¹⁷⁶ Kappler, *Indian Affairs: Laws and Treaties*, II:825.

A proposed benefit of U.S. citizenship for Native Americans was the forced abandonment of their tribal citizenship, which would theoretically distance them from their tribal identity and move them along the path to assimilation. As U.S. citizens, Indians would fall under the purview of federal and territorial laws, holding them to a common standard with non-Indians and extending to the individual Indian the protection of the courts. The dissolution of tribes was achieved with greater ease in theory than in practice.

One of the problems was that the allotment and citizenship treaties did not negate previous treaties, so the OIA still had to deal with tribes as distinct groups with prior treaty agreements unique to each tribe. There were decades of legal gray areas for most Native Americans.¹⁷⁷ Like the freed slaves who became American citizens in 1868 under the Fourteenth Amendment, a combination of policy and prejudice prohibited most Native Americans from full participation in American democracy, even if they were technically U.S. citizens. For example, some nineteenth-century legislators and reformers did not believe that allottees should have full control of their land like other U.S. citizens. Opponents contended that Native Americans were not responsible enough to own land privately or to properly exploit or capitalize the natural resources of the region.¹⁷⁸ In 1860, Superintendent A.M. Robinson wrote to Commissioner Mix that allotment treaties should be made with the Potawatomi, Kickapoo, Omaha, and other tribes because the land would “remain an uncultivated waste so long as held by the Indians, depriving the Territory of all the benefits which would result from their

¹⁷⁷ To further complicate matters, until the *Standing Bear v. Crook* case from 1879 Native Americans had no rights associated with the writ of habeas corpus and were not “persons within the means of the law.” United States *ex rel.* *Standing Bear v. Crook*, 25 Federal Cases, 695 (C.C.D. Neb. 1879) (No. 14,891).

¹⁷⁸ Miner and Unrau, *The End of Indian Kansas*, 25–53.

settlement and cultivation.”¹⁷⁹ Lawmakers agreed that further desolation was plausible if they gave allottees too much freedom; thus, in almost all cases patents were not given at the instance of allotment. The Potawatomi treaty of 1861 stipulated that only the President of the United States could convey fee-simple titles when he was satisfied that male adults who were heads of families were “sufficiently intelligent and prudent to control their affairs and interests.”¹⁸⁰

Treaty drafters rationalized including stipulations for delayed titles because it would safeguard Native Americans from their bad judgment as well as opportunistic non-Indian settlers and traders. Even with the restriction of fee-titles to those approved by the President, many of the Potawatomi and other native allottees were dispossessed of their land within a decade. The OIA learned a lesson from the rapid land loss of the Citizen Potawatomi, so when Congress created the General Allotment (Dawes) Act of 1887 they decided that the government would hold the patents to allotted lands in trust for a period of at least twenty-five years.¹⁸¹ The trust period was meant to ensure that Native Americans had an opportunity to get established as landowners before they could sell or transfer their land to another person.

In his 1870 report to the Commissioner of Indian Affairs, Potawatomi Agent Joel H. Morris claimed that the Citizen Potawatomi were “free to enjoy all the rights and immunities accorded to other citizens of the United States.”¹⁸² This statement was wholly untrue for the Citizen Potawatomi and all of the other Native Americans who entered into treaty agreements with citizenship clauses. Despite their newly acquired title, members of the Citizen Potawatomi, for example, were not fully enfranchised

¹⁷⁹ RCIA, 1860, 80-81.

¹⁸⁰ Kappler, *Indian Affairs: Laws and Treaties*, II:824–825.

¹⁸¹ *An Act to Provide for Allotment of Lands in Severalty to Indians on the Various Reservations*, 1887.

¹⁸² RCIA, 1870, 275.

citizens of the United States or the state of Kansas. They became American citizens who bore the burdens of that classification, such as taxation, without enjoying the protections or privileges of citizenship. To exacerbate the situation, they were Indians who were often denied the rights and assistance granted to other Indian tribes. In many ways the band had *de jure* rather than *de facto* citizenship. Official government communications even referred to them as “quasi-citizen.”¹⁸³

CONCLUSION

By 1880 the Secretary of the Interior, Carl Schurz, clearly adopted assimilation as his primary goal for Indian policy under his tenure. He wrote that assimilation was “the most essential step in the solution of the Indian problem. It will inspire the Indians with the feeling of assurance as to the permanency of their ownership of the lands they occupy and cultivate; it will give them a clear and legal standing as landed proprietors in the courts of law; it will secure to them for the first time fixed homes under the protection of the same law under which white men own theirs.”¹⁸⁴ Secretary Schurz’s wrote those words almost twenty years after the government’s first concerted effort to assimilate the Potawatomi and other Native Americans in Kansas. Unfortunately, the Potawatomi did not reap any of the promised benefits of the assimilation policies of allotment or U.S. citizenship.

¹⁸³ Department of the Interior, *Letter from the Secretary of the Interior, in response to resolution of February 14, 1891, information relative to instructions touching allotments of land on the Pottawatomie Reservation* (Washington, D.C.: Government Printing Office, 1891) 10. Frederick Hoxie notes that, because of failures within the federal government’s assimilation policies, “Indians found themselves defined and treated as peripheral people – partial members of the commonwealth.” Hoxie, *A Final Promise*, xix.

¹⁸⁴ Fixico, *Bureau of Indian Affairs*, 87.

Chapter 3: The Genesis of the Citizen Potawatomi: The Treaty of 1861 and its Aftermath

On November 15, 1861, eight designated “chiefs” and more than seventy other men and women of the Potawatomi Nation met with federal agents to sign a treaty that would forever alter their community’s relationship with the U.S. government and their fellow Potawatomi.¹⁸⁵ The 1861 treaty stipulated that tribal members decide whether they were among the “numbers of those desiring lands in severalty” or part of the faction who wished to continue holding their lands in common. The treaty promised that the allottees would have private plots that were “set apart for the perpetual and exclusive use and benefit of such assignees and their heirs,” but to have that privilege they must “cease to be members of said tribe, and shall become citizens of the United States; and thereafter the lands so patented to them shall be subject to levy, taxation, and sale, in the like manner with the property of other citizens.”¹⁸⁶ Those who chose allotment and U.S. citizenship became the Citizen Band of the Potawatomi Nation.

¹⁸⁵ The word “chief” appears in the treaty next to the names Shaw-guee, We-we-say, Jos. Lafromboise, Mu-zhe, Mkome-da, Pauce-je-yah, Wah-sah-to, and Shaw-we (spelling from treaty). A chief was a designation applied by the government officials conducting the treaty negotiations. It indicated that the men listed were to receive the largest land allotments allowed; it does not necessarily indicate an equivalent status within their own community.

In 1846 the Potawatomi from Council Bluffs and the Osage River signed a treaty in which it was stated that they would become the “Pottowautomie Nation.” I will use that term when referencing the Potawatomi on the Kansas River reservation as a whole.

The treaty was ratified on April 15, 1862, five months after it was signed.

¹⁸⁶ Kappler, *Indian Affairs: Laws and Treaties*, II:824–825. Seventy-seven tribal members made their mark and nine members signed their name to the treaty, including men from prominent families with mixed Indian and European heritage, such as the Lafromboise, Burnett, Beaubien, Ogee, Bertrand, and Bourassa. The name “Citizen Band” did not come into prominent use until after the 1861 treaty was signed, granting them eventual U.S. citizenship. They continued to be called the Mission Band or sometimes the Sectionized Band in official correspondence. For the sake of clarity the name Mission Band will be used if referring to a time before the treaty and Citizen Band will be used for commentary on events after the treaty.

In 1861 there were 2,170 Potawatomi living on the 576,000 acre reservation in Kansas, most had endured two or more removals in the previous thirty years.¹⁸⁷ Of this number 1,400 ultimately chose to take land allotments and the rest chose to continue holding their land communally on a reservation reduced to eleven square miles.¹⁸⁸ The two years following the signing of the treaty seemed to unfold as the government hoped. Many individuals made efforts to claim their allotments and advance toward citizenship, including improving their land by building houses and tilling new fields. Agent Ross reported in September 1862 that “within the last nine months there has been erected on the reservation, by individual members of the tribe, between sixty and eighty log dwelling-houses, and hundreds of acres have been reclaimed from their native state and made to teem with the products of the husbandman.” By the end of the year there were roughly two thousand acres under cultivation.¹⁸⁹

The government’s proclaimed goal for allotment was the assimilation of Native Americans into American society, but there was little doubt from everyone involved that the OIA’s ulterior motive was to drastically reduce the land base of tribes in the West.¹⁹⁰

¹⁸⁷ Ibid.

¹⁸⁸ Gary Mitchell, *Stories of the Potawatomi People from the Early Days to Modern Times* (Shawnee, OK: privately printed, 1996) 39-40. The vast majority of the Potawatomi who signed the treaty of 1861 were of the band who had resided at the Osage River Reservation, but some Council Bluffs Potawatomi signed and became Citizen Potawatomi, including Joseph Lafromboise, Pierre LeClaire, and Madore Beaubien. James A. Clifton, *The Prairie People: Continuity and Change in Potawatomi Indian Culture, 1665-1965*, (University Of Iowa Press, 1998), 352. The size of the Prairie Potawatomi’s diminished reservation was calculated for 680 band members, 200 of which were recognized as living in Wisconsin at the time.

¹⁸⁹ RCIA, 1862, 119. To attain citizenship band members had to get the recommendation of their Indian agent, so taking their allotments and making efforts to establish a successful farm or business was central to proving that they were ready for the responsibility of self-sufficiency.

¹⁹⁰ Edmund Jefferson Danziger, *Great Lakes Indian Accommodation and Resistance During the Early Reservation Years, 1850-1900* (University of Michigan Press, 2009). Danziger’s work examines how Great Lakes tribes worked against the federal government’s assimilation efforts. In 1854-1855 Commissioner George W. Manypenny negotiated cession treaties with the Delaware, Shawnee, Iowa, Sauk & Fox, Kickapoo, Miami, Wyandot, and Odawa in Kansas for a total of more than thirteen million acres. Clifton, *The Prairie People*, 349. Kappler, 614-618, 618-626, 628-631, 631-633, 634-636, 641-646, 677-681, 725-731. Of these treaties, a stipulation for U.S. citizenship was only included in the treaty with the Wyandot.

It was not apparent until months, or even years later that, while they succeeded at dispossessing tribal members, flaws and weaknesses in the treaty would make the government's plan to make landowners and citizens out of the Potawatomi a failure. Specifically, the deficient planning for rapidly turning hundreds of Native Americans in one region into successful farmers, the OIA's failure to ensure the order of events presented in the treaty were followed, and inadequate consideration of what U.S. citizenship for Native Americans entailed. To aggravate the challenging conditions the Citizen Potawatomi faced in the 1860s (both before and after the treaty), the rapidly changing political and social environment of Kansas, and increasing demands for their land soon pushed the band's existence in the state to a tipping point. As the central plains became entangled in the chaotic web of nineteenth-century American history, so too did the Potawatomi.

A ROAD NOT WANTED

In 1861, the OIA told the Potawatomi Nation they could take allotments and accept U.S. citizenship, or they could sell all of their lands to the railroads and move again. OIA officials urged, and even threatened, to allot the land for years, so the government's insistence on a new treaty met with varying degrees of willingness by the Potawatomi on the reservation in northeast Kansas. Some Potawatomi welcomed the notion of private land ownership and the legal restrictions titles would place on emigrants and squatters who encroached on their property. A handful of tribal members ran successful businesses and carried out significant improvements to their homes and fields in their fifteen years on the reservation. Louis Vieux quickly prospered as a successful farmer and part owner of a mill once the tribe removed to the Kansas River reservation. He established a home on the banks of the Vermillion River, which intersected the famed

Oregon Trail, and made a comfortable living providing services for emigrants throughout the 1850s and 1860s. He ran a toll bridge over the river, sold supplies, like grain and fresh horses, to the travelers, and purchased items they decided not to carry with them on their journey.¹⁹¹ Many of the entrepreneurial individuals like Louis Vieux appreciated what they believed allotments and citizenship could provide them – permanence and protection. Others on the reservation did not want to further engage in negotiations with the U.S. government. They wanted to be left alone and see past agreements made with the federal government honored. Therein lay the central tension between Indian peoples and U.S. Indian policies that would persist into the twentieth century.

Regardless of what the Potawatomi wanted at the time, all of the Potawatomi were subject to the will and whim of the OIA. Allotment and citizenship were not without strings. They were part of a larger “Indian policy” that was consistently evolving. Assimilation was the ultimate goal of the larger policy – a concept that was vague enough to be used as a weapon against any tribe found wanting.¹⁹² Essentially, no Indian, in favor of allotments or against, knew whether their acceptance of the government’s wishes would save them from further removal.

Just as it had in Iowa years earlier, Kansas statehood loomed, making government officials and non-Indian residents tired of failed negotiations with the Potawatomi and the lumbering bureaucracy of Indian policy.¹⁹³ They wanted Potawatomi lands made

¹⁹¹ William Smith, “The Oregon Trail Through Pottawatomie County,” *Collections of the Kansas State Historical Society* XVII (1928 1926): 19–21.

¹⁹² Many academics have written about the methods the federal government used to assault tribalism. For examples, see David Wallace Adams, *Education for Extinction: American Indians and the Boarding School Experience 1875-1928* (University Press of Kansas, 1997); Brenda J. Child, *Boarding School Seasons: American Indian Families, 1900-1940* (University of Nebraska Press, 2000); Donald L. Fixico, *Bureau of Indian Affairs* (Greenwood, 2012), 45–10; Frederick E. Hoxie, *A Final Promise: The Campaign to Assimilate the Indians, 1880-1920* (University of Nebraska Press, 2001); Wilcomb E. Washburn, *The Assault on Indian Tribalism: The General Allotment Law* (Krieger Publishing Company, 1986).

¹⁹³ The Potawatomi’s expulsion from Iowa after statehood was discussed in chapter 1.

available for settlement by non-Indians and sale to the railroads as quickly as possible. The OIA knew from their correspondence with the Potawatomi's Indian agents, and some tribal members, that the majority of the Mission Band was open to the idea of taking land allotments and that most of the Prairie Band would not sit down to discussions.

The Prairie Band reacted to government pressure by rejecting allotments and refusing to leave Kansas. They summarily presented their resistance to negotiations in a statement by one of their tribal chiefs, Shawguee, who informed the Commissioner of Indian Affairs, William P. Dole, that "I was once the undisputed owner of that vast region, which lies around the lakes and between the great rivers; I ceded them to thee for this paltry reservation in the barren west. I gave to thee Michigan, Wisconsin, Illinois, Indiana, and thou grudgest me this little spot, on which I am allowed to rest and labor!" He insisted that "[t]he President told me, when he assigned me this reservation. I remember it well, he told me that this land should be my last and permanent home. What business had he to tell me to change my abode? This place is mine: I can leave it or keep it as I please."¹⁹⁴

The tone and language used by Shawguee will sound familiar to those with any sort of familiarity with Native American history. It has a dramatic flair that readers expect from great Native American orators. Undoubtedly, the interpretation and personal style of the non-Native scribes altered Shawguee's words to some degree, however, the statement did translate the sentiment the tribal elder hoped to convey and provides insight into the tribal elder's frustrations. He was tired of the federal government controlling his life, he wanted to stay settled in his current home, and he was not willing to talk about a

¹⁹⁴ Joseph F. Murphy, *Potawatomi of the West: Origins of the Citizen Band* (University of Michigan Library, 1988) 256-257, as quoted in the Woodstock Letters, loc., 75- 78.

new agreement. Shawguee undoubtedly knew that refusal to negotiate was a risk, but it was one he and his followers were willing to take.

A close reading of the statement, along with hindsight, provides a secondary meaning to the President's words about the Potawatomi people that Shawguee could not have understood. Federal official and individuals involved in Indian affairs in the nineteenth century often commented that Native Americans who could not assimilate and generally adapt to living alongside non-Indians were doomed to "disappear before the tide of civilization."¹⁹⁵ So when the President told Shawguee that Kansas would be his "last and permanent home" he could have been promising to never make him move, or anticipating the Potawatomi's inability to adapt. Regardless of what exactly the President meant by his statement, at this point in history the future for the Potawatomi and other tribes in Kansas was vulnerable.

Passionate speeches similar to Shawguee's, as well as words inspired by anger and fear filled letters from Potawatomi of both bands that flooded into the OIA in the years and months before the 1861 treaty. Father Joseph Murphy, a priest of the Order of Saint Benedict, suggests in his 1988 history of the Potawatomi that tribal elders became so active and eloquent in their orations and letters to the government in the months leading up to the treaty because they realized that the tide was turning toward allotment and they were trying to salvage something of past treaty obligations to the tribe.¹⁹⁶ This is very likely true; but, one could argue that, after being dismissed or ignored for years,

¹⁹⁵ Agent Clarke, 1855, Office of Indian Affairs-Letters Received [hereafter cited as OIA-LR], roll 680. Edward S. Curtis, *The North American Indian: The Complete Portfolios* (Taschen, 1997). Edward S. Curtis was commissioned by J.P. Morgan to produce a series on the North American Indian before all of traditional Native culture was destroyed. For more on the theory of Indian culture being crushed in the face of "civilization" see Brian W. Dippie, *The Vanishing American: White Attitudes and U.S. Indian Policy* (University Press of Kansas, 1991); Russell Thornton, *American Indian Holocaust and Survival: A Population History Since 1492*, Reprint (University of Oklahoma Press, 1990).

¹⁹⁶ Murphy, 220.

the Potawatomi realized they finally had the ear of the United States government and they were not going to go quietly down the path to a new Indian policy.

The Potawatomi understood that if they remained at the Kansas River reservation it was possible, or even probable they would face destitution and dispossession again. They saw the wagon trains of travelers and settlers pass through their land, and they heard traders, emigrants, and Indian agents' talk of a railroad crossing through their home. The records indicate that in the months before the treaty both bands felt increasingly insecure as a result of the government's threats to make them move again if they did not take allotments. The federal government admitted Kansas to statehood in January of 1861 and the Potawatomi who years earlier were forced out of Council Bluffs to prepare for Iowa's statehood remembered that the pressure to remove the Indian population grew as the number of white settlers increased. The message conveyed by Indian agents and missionaries in the years just before the 1861 treaty offers another explanation as to why the Mission Band chose to sign.

Some messages were dismal in their predictions for the Potawatomi. Father Schultz, a Jesuit from St. Mary's wrote in 1859 that there was nothing promising in the Potawatomi's future. He believed they were destined to be pushed west, where the Sioux and the Arapaho would annihilate them, or stay where they were and be reduced to begging because of the negative influence of whites.¹⁹⁷ Not all predictions for the Potawatomi were so hopeless. Many professed that with more assimilation to American society the Potawatomi could survive among the white settlers entering the territory.

Missionaries and the Potawatomi's Indian agents occasionally mentioned the possibility of a new policy of allotment and land ownership in their early years on the

¹⁹⁷ Schultz to Beckz, March 1, 1859. Quoted in Garraghan, *The Jesuits of the Middle United States*, 1938, 680.

Kansas reservation.¹⁹⁸ In the 1840s and 1850s the idea of Indians as private landowners was still underdeveloped and most of the reservations had minimal staff. As a result there was correspondence between agents in the field and officials in Washington for years before any action was taken. The OIA wanted to enact the privatization of land with a tribal community that felt prepared for the responsibility. In 1855, the year after Kansas organized as a territory and two years after Congress formulated a plan for an Indian Territory, the Indian agent for the Potawatomi, who was a strong supporter of allotment, began to plead with them in earnest to actively support the allotment of land to the tribe. In that year Potawatomi agent George W. Clarke expressed, in the most explicit terms, his hope that the OIA would finally enact allotment when he reported that “their only salvation is in a treaty, by which their lands will be run out, sectionized, and each individual assigned his own tract.”¹⁹⁹ Though favor for an allotment policy was growing within the federal government, the OIA did not act on Clarke’s suggestion immediately.

Dr. Johnston Lykins, a Baptist missionary, suggested that allotment was the only means of preventing serious violence and difficulties between the Potawatomi and their non-Indian neighbors. He optimistically insisted that surveyed lands with distinct boundaries would deter settlers from crossing them.²⁰⁰ Similarly, in 1859, Agent William E. Murphy wrote in his Annual Report to the Commissioner of Indian Affairs that “[t]heir preservation and permanency on their present reserve can only be effected by citizenizing

¹⁹⁸ One of the first mentions of the Potawatomi possibly becoming citizens can be found in a letter from November of 1853 from Baptist Missionary Robert Simerwell who worked among the Potawatomi.

¹⁹⁹ RCIA, 1855, 97.

²⁰⁰ Gilbert J. Garraghan, *The Jesuits of the Middle United States*, The American Press, 1938, 670. In 1859 the Superintendent of Indian Affairs, A. M. Robinson wrote to the Commissioner that the harmony between the Indians of the Central Superintendency (which included Kansas Territory) was “seriously disturbed” and resulted in the death of several Indians and the wounding of a non-Indian. He claimed that the violence was the result of the trespassing of “unprincipled white men upon the property of the Indians” and by “the depraved and starving Indian upon the property of the whites.” RCIA, 1859, 112.

them, and granting them title in fee simple to the land.”²⁰¹ His sentiment was echoed by A.M. Robinson, the Superintendent of Indian Affairs who also wrote in 1859 that allotment would be beneficial to “a people whose destiny for the last half century has been such that they could not say, to-day, where on earth their homes would be tomorrow.”²⁰² Whether the OIA officials made these statements out of true concern for the preservation of the Potawatomi or were veiled threats is unclear.²⁰³ What is certain is a majority of Potawatomi perceived their lives in Kansas as increasingly unstable.

A letter written by a Potawatomi, Rufus H. Waterman, to Assistant Commissioner Mix in 1859 (the same year that Agent Murphy made the above claim) states:

“...first then what is the policy of the government in regard to reserves...is it to sectionize and give each their quota of land? Or, to move us again to some unknown region? This question is important, as many of us have [made] extensive improvements, and are prepared to make much more, such as setting out orchards, buildings, barns, etc. Can we be assured that we will be permitted to hold our farms, and not be liable to be sold out as heretofore?”²⁰⁴

Clearly, the Potawatomi were concerned about the permanence of their homes in Kansas and remained cautious. Kansas was not their ancestral home, but many of the Potawatomi did everything they could to make a comfortable existence for their families. They wanted to maintain tenure on the reservation, but if they could not, they needed to be prepared for whatever course of action the OIA presented to them.

These circumstances forced both the Mission and Prairie Bands to make a decision. The majority of the Mission Band felt that taking allotments and agreeing to

²⁰¹ RCIA, 1859, 148.

²⁰² Ibid., 112.

²⁰³ There are no records indicating that Agent Murphy was set to receive a cut of Potawatomi land once the surplus was sold, as there are for other OIA officials, but one cannot know whether or not such a promise was made to him since it was not an uncommon practice.

²⁰⁴ Waterman to Mix, 26 July 1859, enclosed with Robinson to Greenwood, 3 August 1859, OIA-LR, roll 682.

become United States citizens would help them improve their condition or at least save them from the uncertainty of another removal. These individuals lived through a tumultuous period in which non-Indian encroachment forced them from their homelands, struggled to survive in unfamiliar territory, and interacted daily with non-Indians who wanted nothing more than to rid them of their “Indianness.” They were confident that they could be successful farmers because a large percentage of the band already practiced agriculture. For years Indian agents and missionaries lauded the Mission Band for their degree of acculturation and assured them of their fitness to live among whites.²⁰⁵ Essentially, the Mission Band had logical reasons to believe that the treaty could improve their lives. They had limited faith that the government would follow through on treaty agreements, but they had a great deal of confidence in their abilities to adapt and survive if they knew what they were facing.

Despite decades of interaction with distinct factions of Potawatomi, and overwhelming evidence to the contrary, government officials still wanted to believe that the Potawatomi people were really the Potawatomi Nation – one people with a single identity who they could pressure to follow a single, uniform policy. Even in cases in which the agents themselves noted a significant difference in lifestyle and culture between communities on the reservation, as they did with the Mission and Prairie Bands, they remained committed to the idea of a single treaty. The rationalization was that the more “civilized” Mission Band would carry their Prairie Band kinsmen along on the road to assimilation. If they did not comply the Prairie Band would simply “disappear before the tide of civilization.”²⁰⁶ Not surprisingly, the Potawatomi, who never lived as a

²⁰⁵ Murphy, 221-224.

²⁰⁶ Agent Clarke, 1855, OIA-LR, roll 680. As previously noted, the notion of Native Americans as a vanishing race was a common assertion at this point in history.

strongly unified tribe with a single leadership before the interference of government agents, did not respond well to persuasion or threats.²⁰⁷

Since the eighteenth century, intratribal disagreements occurred regarding who had the authority to speak for others in the tribe and what they could promise. Leaders were rarely willing to make any agreements that had an impact beyond their village or region, resulting in the Potawatomi entering into more treaties with the federal government than almost any other tribe.²⁰⁸ Even those who agreed that a treaty was necessary often disagreed about the terms, including the amount of annuities to demand and the boundaries of ceded lands. It is not surprising that tension between opposing factions on the reservation and with the OIA reached unprecedented levels in the years immediately preceding the 1861 treaty.

Factions of Potawatomi on the reservation were pitched in wars of words and accusations against one another, and a few turned their scorn on Indian agent William E. Murphy. Indian agents were rarely popular, because they were the representatives of the government in the daily lives of the Indians they served; however, the Potawatomi sometimes appreciated the efforts agents made on their behalf. This did not seem to be the nature of the relationship between Agent Murphy and a large contingent of the Potawatomi in Kansas.²⁰⁹ He was in a precarious position of carrying out a largely

²⁰⁷ Several authors who have examined the history of the Potawatomi in Kansas have stressed the animosity between the Citizen Band and the Prairie Band. See Clifton, *The Prairie People*; H. Craig Miner and Williams Unrau, *The End of Indian Kansas: A Study in Cultural Revolution, 1854-1871* (University Press of Kansas, 1990); Murphy, *Potawatomi of the West*. While there is a great deal of documentation of tension between the two groups, it is a tension that predicated by specific circumstances. In almost every case members of each band were upset that the federal government was trying to force one of the groups to abide by the decision or agreements made by the other. So the tension was exacerbated, and in some ways, created by the constant interference of the federal government. These Potawatomi saw themselves as independent communities and they did not want to follow the rules of another group.

²⁰⁸ Potawatomi of various villages and bands entered into at least forty-four treaties with the federal government between 1789 and 1867.

²⁰⁹ Agent Murphy did have his supporters. They sent a letter to the Commissioner of Indian Affairs in 1858 giving him their support, more than forty-five tribal members signed it.

unpopular policy, among unhappy Indians, at the direction of a Commissioner who was no longer willing to wait; his generally condescending opinion of Native Americans did not help. Agent Murphy, other government employees, and individual Potawatomi sent correspondence littered with accusations and assurances of innocence to the OIA between 1859 and 1860. The Potawatomi accused Murphy of bringing liquor onto the reservation, partaking of spirits, harassing widows, wrongfully sending away their wagon maker, and many other charges.²¹⁰

Central to this factional battle was a prominent, yet controversial, figure in Potawatomi history, Anthony F. Navarre. Navarre was of Potawatomi and French heritage, educated at the Choctaw Academy in Scott County, Kentucky along with several others who became key players in the tribe's history. In 1857, after living in Salt Lake City among the Mormons for years, Navarre arrived at the reservation in Kansas. He was very intelligent and from his earliest days on the reservation was confident in his abilities to serve as a representative for his tribe. He quickly gained popularity on the reservation among the Prairie Band for his defiance and assurances that when the Mormons defeated the U.S. Army, the Indians would have all of the lands taken from them returned.²¹¹

Agent Murphy saw Navarre as a nuisance and an obstacle to the advancement of the tribe. In the summer of 1857, he imprisoned Navarre for several days for preaching

²¹⁰ A.A. Bertrand to Commissioner of Indian Affairs, 24 July 1859, OIA-LR, roll 682; G.W. Johnson to Honorable A.B. Greenwood, 27 July 1859, OIA-LR, roll 682. Agent Murphy had a generally condescending opinion about the character and intelligence of most Indians, as did most Americans of the time. Many of the Potawatomi he did think intelligent and competent, primarily of mixed-heritage, he found to be conniving, self-serving individuals.

²¹¹ Clifton, *The Prairie People*, 367–368. Mormon teaching asserts that at least some of the indigenous people of the Americas are Lamanites, one of the lost tribes of Israel. In the nineteenth century there was popular fear of a Mormon-Lamanite conspiracy to incite rebellion and war against the United States. Eric A. Eliason, ed., *Mormons and Mormonism: An Introduction to an American World Religion* (University of Illinois Press, 2001), 184.

Mormon doctrine and trying to incite rebellion. Murphy released Navarre with the caveat that he leave the Kansas reservation and return to Indiana where his father lived. He did not comply and his relationship with Murphy continued to deteriorate. Murphy tried to convince the OIA of Navarre's destructive influence by insisting that if he remained among the Mormons and never returned to Kansas the entire tribe would have agreed to take allotments and signed a treaty years earlier.²¹² The Prairie Band adamantly resisted negotiations with the government for years before Navarre's arrival in Kansas, so Murphy's assertion regarding his adversary's influence is obviously an exaggeration. However, Navarre was a vocal opponent to an allotment treaty and the most confrontational individual on the reservation with OIA officials.

Navarre was not just a rabble rouser. He understood the value of political disobedience and seemed to firmly believe that if he could not obtain redress on an issue from the Indian Agent, the next logical step was to go over his head to deal with the Indian Department directly.²¹³ Since his previous attempts to terminate discussions of allotment failed, Navarre pursued a new course of action. In 1860, Navarre invited Lewis F. Thomas, an attorney, to the reservation to draft fundamental rules and bylaws for the Nation that would ease factional tensions. One cannot know if Navarre's efforts at unity were genuine (or another means of derailing allotment) or if they would have been successful, because Agent Murphy barred the attorney from completing his task and ordered him off the reservation. The attorney ignored the agent's demand to leave the reservation, so Mr. Murphy had Mr. Thomas arrested for intrusion and delivered to the court at Ft. Leavenworth. The judge found Mr. Thomas innocent of all charges and

²¹² Agent Murphy to Superintendent Robinson, August 22, 1859, OIA-LR, roll 682.

²¹³ Navarre made many trips on behalf of the Potawatomi Nation and eventually moved to Washington. Murphy, *Potawatomi of the West*, 239.

released him with the apologies of the court.²¹⁴ Anthony Navarre did not get the constitution or centralized tribal authority he sought by bringing Mr. Thomas onto the reservation, but he did make Agent Murphy look foolish and successfully challenged the agent's authority in the process.

Agent Murphy was not the only one who took issue with Navarre's assertions of authority and obvious position of importance among the anti-allotment Prairie Potawatomi. In 1860, a group of Potawatomi men wrote to Commissioner of Indian Affairs, Alfred B. Greenwood, to ensure that the OIA understood that Navarre did not represent all Potawatomi. They asserted that "[our] nation govern[s] themselves by the majority, and by custom they have a right to censure and set aside any chief for mal-administration. By this right they set aside Wahb-sach [Wab-sai] and Navarre" assuring that "this was done by a majority of chiefs and braves of our nation."²¹⁵ These tensions were a symptom of the unprecedented pressure felt by all parties to conform to the government's expectations and submit to the policy of allotment as a harmonious group. Unfortunately for Agent Murphy, the challenge of unifying the Potawatomi under a single policy was too great.

In April of 1861, just a few months before tribal members signed the allotment treaty; William W. Ross replaced Agent Murphy. Ross served as the Potawatomi's Indian Agent for the next three years. Also in 1861, the Secretary of the Interior appointed William P. Dole as Commissioner of Indian Affairs. Dole and Ross were integral in advancing the creation of an allotment treaty with the Potawatomi. They both had relationships with railroad companies and did not hesitate to push for the acceptance

²¹⁴ Lewis F. Thomas to President Buchanan, June 28, 1860, OIA-LR, roll 682.

²¹⁵ Five Potawatomi headmen (including J. N. Bourassa) to Commissioner Greenwood, March 14, 1860, OIA-LR, roll 682. The name of the Potawatomi headman Wahb-sach is spelled numerous ways, depending on who is writing the document. For the sake of clarity it will be spelled Wab-sai, the way it is spelled in documents in which he was a participant, unless it is spelled differently in a quote (as above).

of the railroad-friendly treaty. To ensure the successful negotiation of a treaty, industry representatives promised Commissioner Dole 1,200 acres as a reward for cooperating with the negotiations once the federal government opened surplus lands for purchase by the railroad.²¹⁶

Despite his questionable motives, Ross came into office with what seemed to be a genuine enthusiasm for working for the OIA that would serve him well for the daunting task ahead. One of the agent's first communications to the OIA gave a detailed report of what he thought the Potawatomi needed to elevate them to the level of civilization he believed them capable: allotment and full protection of state courts. Ross agreed wholeheartedly with the department's notion that the Potawatomi should receive lands in severalty. The Indian Department would not risk putting a person in the position if they were not prepared to enthusiastically support the policy. By 1861 assimilation through land ownership, if not widely applied, was a popular idea among activists and politicians. A few of his other ideas were more liberal than previously heard from government officials working among the Potawatomi.

For example, Ross argued passionately that Kansas criminal laws should extend to the reservation. He was appalled that the Potawatomi, at present, resolved an injustice by "smok[ing] the pipe of peace," by which matters of dispute were settled and the criminal went unpunished.²¹⁷ At the time of Ross' letter federal laws had jurisdiction on

²¹⁶ Charles E. Mix, the Chief Clerk in the OIA was also supposed to receive 640 acres. The notation in a document titled "Leavenworth, Pawnee, and Western Railroad Stock contracts made for the Company by J.C. Stone and Thos. Ewing, Jr. agents for the company to secure the ratification of the Delaware and Pottawatomie Treaties & the passage of the Pacific Railroad Bill" listed this allocation of acreage "for blackmail." Paul Wallace Gates, *Fifty Million Acres: Conflicts over Kansas Land Policy, 1854-1890* (Ithaca: Cornell University Press, 1954) 131; Murphy, *Potawatomi of the West*, 238-239.

²¹⁷ Agent Ross to Commissioner Dole, June 21, 1861, OIA-LR, roll 683. Lisa Ford, *Settler Sovereignty: Jurisdiction and Indigenous People in America and Australia, 1788-1836* (Harvard University Press, 2010) 20-24. Ford argues that in the late eighteenth and early nineteenth century a form of "legal pluralism" that combined indigenous notions of order and justice with the prevailing laws and jurisdictional control of local governments existed in recently settled communities. This may have been true before Kansas was

the reservation. Making tribal members subject to the laws of the state was a step in the process to full assimilation. He also insisted that surviving wives should have their entitlements protected by establishing new estate laws. Finally, he suggested that the law allow Indians to testify in court so that many cases, especially in instances of liquor sales on a reservation, could be successfully prosecuted.²¹⁸ By the end of his tenure as an agent, in 1864, allotted tribal members did not have the protections of state laws or courts and it was clear that assimilation of Native Americans through land ownership and citizenship was not progressing as the OIA hoped. Still, his enthusiasm and belief that applying American legal standards would benefit the Potawatomi Nation likely aided his efforts to get the allotment treaty signed and ratified.

One should also consider that the treaty of 1861 was a business transaction. In their account of the devices and objectives of Indian policies to remove Indians from Kansas, H. Craig Miner and William E. Unrau make a convincing argument that rather than being forced into signing the treaty, or just being too foolish to understand what they were signing, it was likely that the Potawatomi who chose to sign the 1861 treaty did so because there appeared to be real financial advantages for the tribe as the treaty was written.²¹⁹ It is a valid argument that the treaty of 1861 could have allowed the Citizen Potawatomi to develop a strong community and possibly even flourish on the Great Plains.

organized as a territory or admitted as a state, but as more non-Indian settlers moved into the area a strict adherence to state and federal law was expected.

²¹⁸ Agent Ross to Commissioner Dole, June 21, 1861, OIA-LR, roll 683.

²¹⁹ H. Craig Miner and William E. Unrau, *The End of Indian Kansas: A Study in Cultural Revolution, 1854-1871* (University Press of Kansas, 1990).

A LESSON IN UNINTENDED CONSEQUENCES

A paradox of the 1861 treaty was the effect it had on the structure of the Citizen Band's government. Historians and Native Americans often critique allotment agreements because the acceptance of U.S. citizenship and the supremacy of U.S. laws came at the expense of tribal citizenship and traditional forms of governance. On paper this was true for the treaty of 1861 as well, but in many ways it had the opposite effect. As previously noted, the Potawatomi did not have a cultural tradition of rigid hierarchy as a tribe. Leadership developed at the village or regional level, centered on clans and religious societies. Groups of Potawatomi met for general councils on their own, or with their Indian Agent, and occasionally sent a list of approved chiefs and headmen. Even in these cases each village or faction could and would only speak for itself. Instead of trying to achieve consensus, the government relied on appointed "government chiefs" who rarely had the approval or the best interest of the tribe as a whole in mind when signing treaties or making agreements.²²⁰ As the OIA's preparation for the treaty of 1861 advanced it became increasingly necessary for Indian agents and policymakers to have an organized representative body for the Potawatomi Nation with whom they could negotiate.

In September of 1861, two months before members of the Potawatomi signed the treaty, Commissioner of Indian Affairs, William P. Dole ordered Agent Ross to create an organization "whereby a written record of their proceedings could be kept, and the wants of the tribe made known" as well as to deal with the issues that arose in relation to treaty

²²⁰ Ibid., 81–106.; William C. Sturtevant, *Handbook of North American Indians, Volume 6: Subarctic: Subarctic* (Government Printing Office, 1978), 156; MR Peter C. Mancall and James Hart Merrell, *American Encounters: Natives and Newcomers from European Contact to Indian Removal, 1500-1850* (Psychology Press, 2000), 395.

negotiations.²²¹ The Potawatomi had the same notion. The year before Commissioner Dole's suggestion, in 1860, they assembled at Cross Creek and appointed a six man committee, Madore B. Beaubien, Anthony F. Navarre, and Joseph N. Bourassa to represent the Prairie Band and B.H. Bertrand, John Tipton, and Louis Vieux to represent the Mission Band and transact business between the Potawatomi Nation and the United States government. During his tenure, from 1857 to the spring of 1861, Agent Murphy opposed the organization of such a committee and refused to send a recommendation for its approval to the Superintendent in St. Louis. Agent Ross fell in line with the Commissioner's wishes and oversaw the authorization of the committee soon after his appointment in April of 1861. Ross recommended Joseph N. Bourassa as president. Weeks before the ratification of the treaty of 1861 Anthony Navarre resigned his position as a representative of the Prairie Band.²²² The remaining five members of the new Business Committee met at St. Mary's on March 26, 1862 and accepted George L. Young as their sixth member.²²³ All three of the men named as representatives for the Prairie Band eventually took allotments, so there is reasonable doubt as to whether they represented the genuine wishes of the non-sectionizing faction.²²⁴ The OIA officially recognized the Business Committee as an authoritative body on December 3, 1862. The men were to serve two year terms.

²²¹ Agent Ross to Commissioner of Indian Affairs Dole, 19 January 1863, OIA-LR, roll 684; Murphy, 244. After the bands split, the Business Committee continued to be an important and influential body within the tribe, particularly for the Citizen Band.

²²² Agent Ross to Commissioner Dole, March 10, 1862, OIA-LR, roll 683. James Clifton claims that Navarre was forced out of his position, but an explanation for why Navarre left the Business Committee does not exist in the OIA records. Clifton, *The Prairie People*, 367.

²²³ George Young was not a Potawatomi tribal member by blood. He was a white man who married Josette Vieux, sister of Louis Vieux, another Business Committee member. Evidence of complaints about Young's position of authority, even though he was not a Potawatomi or even an Indian, does not exist in the records until the 1880s.

²²⁴ No record of protest was found in the OIA records regarding the Prairie Band's representative appointments.

The Business Committee facilitated the delivery of community grievances. It did not replace the Indian Agent in the hierarchy within the Indian Department, but a grievance signed by a panel of six elected officials was more difficult to ignore than the rant or plea of a disgruntled individual. The Business Committee had a more sympathetic ear for complaints than the agent. Most requests still filtered through the local Indian Agent to the Superintendent of Indian Affairs in St. Louis, or in some cases, directly to the Commissioner of Indian Affairs in Washington, D.C. The Committee, on the other hand, accepted grievances and was not hesitant to circumvent their agent and directly approach the Commissioner or the President of the United States. As previously mentioned, government agents and railroad representatives had their own, often nefarious, agendas in supporting a business committee and allotment. Nonetheless, with the organization of the Business Committee, the Potawatomi began to take on a structure that they never before employed. It would be years before the Business Committee became organized enough to be forceful advocates for the rights of the Potawatomi of either band.

ONE BECOMES TWO

The Prairie Band's refusal to negotiate allotments with the OIA was ultimately successful. Pressure from railroad executives and settlers forced the government to move ahead with a treaty with the Mission Band, conceding that the Prairie Band could continue holding their lands in common. The government made an agreement with the Prairie Band sometime between September, when the Commissioner of Indian Affairs made an unsuccessful visit to Kansas to negotiate a treaty, and the 15th of November [1861] when the treaty was signed.²²⁵ Per the treaty of 1861, the OIA took a census

²²⁵ Murphy, 258.

indicating who would be on the roll of the Citizen Band and who would be part of the Prairie Band.²²⁶

Ross conducted the census on May 17, 1862. There were 2,259 Potawatomi reported on the reservation – 648 men, 588 women and 1,023 children.²²⁷ Of these, about 1,400 chose allotment. While the tribal members who agreed to have their land sectionized and allotted in severalty effectively gave up their interest in the portion of the reservation allotted to their kinsmen in common, and vice versa, the two groups did not completely sever ties.

The tension between these two communities resulted more from U.S. government interference than an organic disunion. If the two groups of Potawatomi, the Prairie Band and the Citizen Band (generally comprised of those removed from Council Bluffs, Iowa and the individuals removed from Sugar and Pottawatomie Creek in southern Kansas), were left in peace they likely would have cohabitated the Kansas River reservation with little strife. Despite some of their social differences, the two communities shared many common cultural practices, traditions, and in many cases were family. The federal government's unending demands to negotiate new treaties and obtain new concessions and land cessions from the Potawatomi in the nineteenth century made that impossible.

For the next several years the Citizen Band and Prairie Band encountered circumstances that forced them to work together, fight one another, and continually decide and refine what it meant to be a member of each band. Issues of money, specifically how it was to be distributed and communally spent, bound the two bands together. First, all Potawatomi on the reservation, allottees or not, retained a claim to the

²²⁶ I will henceforth refer to the Potawatomi who participated in the allotment process as the Citizen Band or Citizen Potawatomi. Most of these individuals had been members of the Mission Band, but a few were from the Prairie Band.

²²⁷ William Elsey Connelly, "The Prairie Band of Pottawatomie Indians" *Kansas State Historical Society*, volume 14, pg. 514.

proceeds from the sale of their surplus lands to the railroad. After the OIA sold the property it was the responsibility of the Indian agent to use the recently concluded census to make an accurate allocation of the proceeds. A second money related argument the OIA had to address with both bands was the long-standing debate over the payment of personal debts of individual tribal members from the collective funds of the Potawatomi Nation. The system widely utilized by traders and Native Americans, referred to as the “order system,” allowed individuals to charge goods they needed or wanted from the traders on credit to be paid out of the next years’ collective annuity payment or tribal funds set aside in an “improvement fund.”²²⁸ The process had long been a point of contention between certain members of the tribe, the OIA, and the traders who did business on the reservation. Over three hundred Potawatomi petitioned Commissioner Dole in 1862 to discontinue the practice of payments from the collective funds.²²⁹ In a separate letter to Commissioner Dole, Secretary of the Interior, John P. Usher, wholly agreed with the protests of the complaining Potawatomi and warned that continuing this system of trade could lead to violence between tribal members and traders. Recognizing the potential for corruption, he argued that “[n]o people of their intelligence can be expected to submit to it.”²³⁰

To emphasize the division of the Potawatomi Nation into two distinct factions, in name and in practice, Anthony Navarre wrote to Commissioner Dole asking that the OIA not recognize the present business committee as representing the interest of Prairie

²²⁸ Clifton, *The Prairie People*, 367.

²²⁹ Members of the Prairie Band to Commissioner Dole, undated letter, 1862, OIA-LR, roll 683. Article 9 of the 1861 Treaty stipulates that “No provision of this treaty shall be so construed as to invalidate any claim heretofore preferred by the Potawatomes against the United States arising out of previous treaties.” Kappler, 824-825. Therefore, the practice could be continued with annuities promised in earlier treaties.

²³⁰ Secretary of the Interior John P. Usher to the Commissioner of Indian Affairs, January 17, 1863, OIA-LR, roll 684.

Band.²³¹ The Commissioner was still hoping the Prairie Band would relent and take allotments and understood that reconciling the two factions of Potawatomi was not likely to occur if one side felt wronged. As a result, the Commissioner replied that he appreciated Navarre's concerns, but appealed to him and the other Prairie Band members that "if you are dissatisfied with the present committee, that you re-organize it instead of rejecting it entirely."²³² Navarre and the rest of the unsatisfied faction of the Prairie Band went a step further.

In 1862 the Prairie Band created a separate business committee, though the OIA did not recognize it. Abram Burnett served as chair; the remaining committee consisted of half a dozen headmen and almost a dozen general members, including Anthony F. Navarre and Wab-sai. In their inaugural meeting the committee resolved that, in the future, a majority of the band would elect members of the committee, chiefs, and councilors, and that any questions about the tribe as a whole would be submitted to and voted on by the entire Prairie Band with the majority decision to be adopted.²³³ Agent Ross saw these men as rebellious and spoke out against them. The OIA never recognized the group as legitimate. His condemnation is not surprising since the committee's proclamation noted that they took action to make a new business committee because they were "not able to obtain redress of our grievances from our agent."²³⁴ Regardless of this division within the Potawatomi Nation and mistrust of Agent Ross by certain individuals, more than eighty tribal members signed the treaty of 1861 and allotments soon began.

²³¹ As previously noted, an explanation for why Navarre quit the Business Committee does not exist in the records, but this sentiment suggests that he might have felt like the two others designated to represent the interests of the non-sectionizing portion of the tribe did not truly represent the wishes of that community.

²³² Commissioner Dole to Wob Sai and Others, May 8, 1862, OIA-LR, roll 683.

²³³ Indian Petition to OIA, 1862, December 7, 1862, OIA, roll 683.

²³⁴ Prairie Band Potawatomi to OIA, 1863-1864, December 3, 1862, OIA-LR, roll 683. The letter is not addressed to anyone specific and the signatures of all the complaining parties are not included.

POLITICS IMPEDE PROCESS: DEFINING TRIBAL MEMBERSHIP AND RIGHTS

The two-pronged process of acculturating the Citizen Potawatomi through allotment and U.S. citizenship was supposed to be straightforward. The treaty of 1861 proposed a specific order of events meant to allow the Citizen Potawatomi to establish a source of income and stability before taxation began. Unfortunately, the actual process of allotment was far more complicated and the order of events did not occur as stipulated by the treaty. Also, the treaty was not clear on several issues, including who qualified for an allotment or how to handle the special circumstances that inevitably arose. All parties needed to address fundamental questions, including who was considered a member of the tribe and who was not, as well as what rights were conferred by tribal membership.

The proposed first step in the post-treaty process was to survey the land on the reservation in the same manner as public lands. Specific acreage in the northeast corner of the former territory were set apart for the Prairie Band's reduced reservation and the remainder was available for the Citizen Band to select as their allotment. Then, the Potawatomi's agent, William Ross, conducted a census of everyone on the reservation and divided them into separate lists by their decision to become allottees or move onto the common reservation set aside for the Prairie Band. The individuals who wanted an allotment then chose the plot of land they wanted. The number of acres they could receive was determined by their status within the tribe and their family (i.e. headman, chief, head of family, etc.). The Commissioner of Indian Affairs was then supposed to issue the individual a certificate noting the location of his/her plot and stating their inability to claim rights to any other allotment or land on the common reservation. According to the treaty, the individual land was not to be taxed, levied or sold. If the allottee wanted to sell the land they could only conduct the transaction with the U.S. government or another Potawatomi, and they had to have the permission of the President

of the United States. Mechanically, the process promised to be streamlined and fair. Unfortunately for the Citizen Band, the reality proved to be full of exceptions and pitfalls, and the process of allotment was marred by battles of who qualified for allotments, squabbling between the allotting agent and the Potawatomi, and the disregard of the proposed order of events by the federal government.

Commissioner of Indian Affairs, William P. Dole, appointed Edward Wolcott as a special Commissioner to manage the process of allotting the Citizen Band, in January of 1863.²³⁵ Virtually all early allotments followed the same pattern. After surveyors divided the reservation into plots, the 1,400 tribal members on the allottee census met with the agent and selected the parcel they wanted. The agents allotted the land as follows: for each chief, one section (640 acres), each headman, one half-section (320 acres), heads of the family, one quarter-section (160 acres), and to all others, one-eighth of a section, (80 acres).²³⁶ The special agent and his staff allotted a total of 152,128 acres to the Citizen Band and allocated 77,358 acres to the Prairie Band.²³⁷

According to Mr. Wolcott's statements, even the straightforward cases took a great deal of time because most of the allotting had to be done on the ground, since "this tribe is more than ordinarily intelligent, know the value of land and select personally every tract." The nature of the process required him to travel about the large reservation visiting each site proposed by a Potawatomi to be his/her future allotment.²³⁸ For some Potawatomi the question of where they would take their allotment was simple. Those

²³⁵ Edward Wolcott to Commissioner Dole, January 16, 1863, OIA-LR, roll 684. Mr. Wolcott submitted a list of completed allotments to the Secretary of the Interior on November 10, 1863 and it was approved December 12, 1863.

²³⁶ Kappler, *Indian Affairs: Laws and Treaties*, II:824–825.

²³⁷ Clifton, *The Prairie People*, 351.

²³⁸ Edward Wolcott to Commissioner Dole, May 10, 1863, OIA-LR, roll 684. This statement suggests that Mr. Wolcott generally believed Native Americans to be of inferior intelligence and have little or no understanding of the value of their land.

who settled, built homes, and improved parcels of land naturally chose plots that incorporated their current homes. Joseph Lafromboise, Madore B. Beaubien, as well as several Ogees and Kennedys all settled around an area of the reservation known as Silver Lake in the 1840s and 1850s. As heads of households, they took allotments there and chose adjoining or nearby parcels for their wives and children.²³⁹ Others settled closer to St. Mary's mission to allow their children to attend school and be close to home.²⁴⁰ Since the ultimate goal of allotment was to make successful farmers out of Indians, agents considered improvements and an adequate portion of timber "as far as practicable."²⁴¹ Those who had not made extensive improvements also followed a general pattern of choosing land with good sources of timber and water, near their kinsmen.

Much to the dread of the executives for the Leavenworth, Pawnee, and Western Railroad, the Potawatomi chose the most coveted land in the reservation for their allotments. Tribal members overwhelmingly selected land along the rivers and streams where most of the available timber was located and along the railroad's planned right-of-way.²⁴² The railroad hoped to open the lands they did not use for the track for resale to settlers and for commercial development. With the most valuable plots of land taken up by 152,128 acres of Potawatomi personal allotments, the railroad feared they would not be able to make a substantial profit. Even though their railroad line would have to

²³⁹ Emma Cones Richerter "A History of Silver Lake, Kansas." Manuscript, 1910, Kansas State Historical Society. Stremlau, *Sustaining the Cherokee Family*. Stremlau examines how Cherokee families adapted to private land ownership by incorporating elements of the allotment system that was meant to assimilate them into their existing social and cultural practices as well as traditional family structures.

²⁴⁰ Gilbert Joseph Garraghan, *Jesuits of the Middle United States*, First Edition (Loyola Press, 1984), 501–529.

²⁴¹ Kappler, *Kappler's Indian Affairs Laws and Treaties*, 824–825.

²⁴² Unlike several other tribes in Kansas, the Potawatomi did not sign a right-of-way treaty with the railroads in the 1850s.

deviate from the planned path to avoid the Potawatomi's reservation, the LP&W Railroad forfeited their right to purchase the surplus land.²⁴³

While some allotment cases were straightforward, Mr. Wolcott and Agent Ross encountered dozens of cases that fell within gray areas, not clearly addressed in the treaty. Undecided legal issues from the past were now more pressing. The first of these questions was, who should be counted as tribal members and receive benefits and who should not? Past treaties generally set aside a specific amount of annuity payments and acres given to the tribe as a whole. The Commissioner left details of money and land distribution to the agent and the leaders of said tribe. The signing of the 1861 treaty opened surplus lands for sale to railroads and settlers, with the proceeds to be divided among the individual members of the tribe. So, unlike the treaties in the past, there was a clear interest on the part of the federal government and individual tribal members to make sure only qualified individuals received an allotment.²⁴⁴ Most of the special allotment cases that emerged from the treaty of 1861 involved one of two issues: white spouses of Indian allottees and Potawatomi who did not live on the reservation at the time of allotment.²⁴⁵ As they did with U.S./Indian relations generally; attitudes toward race impacted allotment at the tribal level and on a more personal and individual level.

The allotment process forced tribal members and the OIA to confront the issue of rights and privileges for non-Indians living on the reservation. Issues of non-Indian spouses drawing annuity monies and other tribal benefits were a source of long-standing

²⁴³ Gates, *Fifty Million Acres*, 131–132.

²⁴⁴ Article 5 of the 1861 treaty set up the conditions for sale of the Potawatomi's surplus land to the Leavenworth, Pawnee, and Western Railroad for \$1.25 an acre. The treaty set firm building deadlines that the railroad had to meet or the contract would be nullified and the company would have to forfeit all payments. Kappler, *Kappler's Indian Affairs Laws and Treaties*, 824–825.

²⁴⁵ Mr. Wolcott to Commissioner Dole, April 19, 1863, OIA-LR, roll 684. In this letter he also asked about Potawatomi who had dual membership in the Shawnee Nation and who should be considered a "headman," but those situations were rare and were generally decided on a case by case basis.

debate within the Nation. The addition of physical property into the argument exacerbated the conflicts. The Potawatomi were divided on the question in 1863 when the OIA had to make the decision whether they would receive allotments or not.²⁴⁶

These non-Indian individuals usually fell into two categories: those who married into the tribe, and thus had claims to membership, and those who worked for or had lived among the tribe for years, but were still technically squatters. For the latter, the question was whether to allow them to stay and become allottees if they had a probable claim, or to evict them from the reservation all together.²⁴⁷ Unlike the cases of non-resident Potawatomi, the petitioners in question were not tribal members by blood, so the argument for their “rights” was far more complex. Multiple agents wrote letters to the Office of Indian Affairs asking for guidance regarding these individuals, or to inform the Commissioner that they had expelled certain men. Selling whiskey to the Potawatomi, illegally cutting and selling timber from the reservation, or some other act of debauchery was usually the cited reason.

In the cases of non-Indian spouses the particulars of the relationship and the reputation and behavior of the claimant was often a deciding factor.²⁴⁸ In the beginning of 1863, when agents made the bulk of allotments, there were roughly eighty non-Indians who married into the tribe residing on the reservation. Most were men, but there were a few women of non-Indian blood married to tribal members. Some couples married years earlier, while others made their union after the treaty of 1861. There was great concern

²⁴⁶ A council of over thirty Potawatomi sent a letter to Commissioner Dole in 1863 asking if they would have any say in deciding the question of allotting land to white men who had married members of the Potawatomi Nation. Potawatomi Council to Commissioner Dole, undated letter, 1863, OIA-LR, roll 684.

²⁴⁷ Some could make claims because they had lived with, but not married a Potawatomi woman for years.

²⁴⁸ The questions surrounding the validity of Potawatomi/non-Indian marriages were contrary to national debates over inter-racial marriages. Instead of challenging the rights of non-whites to receive the same protections as their white spouse, it was the non-Indian spouse who was at risk of losing their rights. For more on the history of miscegenation laws in the United States see Peggy Pascoe, *What Comes Naturally: Miscegenation Law and the Making of Race in America* (Oxford University Press, USA, 2010).

that white men entered into some of the marriages with less-than-honorable intentions. The Commissioner tried to appease both sides by ordering that only those who had “abandoned his own people, cast his lot with the tribe, reside among the Indians, have been ‘adopted’ by them, and have ceased to exercise his rights as a citizen” be allotted.²⁴⁹ Mr. Wolcott responded that, with the exception of “adoption,” everyone in question met those conditions because of the remoteness of the reservation. He further commented that the Potawatomi adopted only a few people “with the appropriate Indian ceremonies.” In the end, the OIA decided on a case-by-case basis, with most claimants receiving an allotment.²⁵⁰

There were a few cases in which deaths in the family resulted in the non-Indian spouse being the only remaining claimant. Most of these widows and widowers continued to live on the reservation they called home for years. Agent Ross reported one case in which the non-Indian widow of a tribal member moved herself and her children in with the non-Indian widower of a Potawatomi, so that they “formed a family in which neither of the parents is Indian,” but the children were.²⁵¹ In general, Agent Ross favored allotting lands to individuals such as these who had Potawatomi children, and thus a vested interest in the success of the tribe. He often made positive arguments for white men who intermarried with the tribe if they formed their union before the allotment treaty. He argued that they were mostly “very worthy and well disposed men” whose

²⁴⁹ Even though the tribal members who took allotments would eventually become U.S. citizens, to prove that they were eligible to receive allotments the non-Indian spouses of tribal members had to prove that they had abandoned the rights of citizenship with which they were born.

²⁵⁰ Mr. Wolcott and Agent Ross to Commissioner Dole, May 7, 1863, OIA-LR, roll 684.

²⁵¹ Ibid.

influence had been positive on the Citizen Band, raising them to the position of one of the most intelligent, industrious and honest of all Indian tribes.²⁵²

The decision to allot these people or not became more complicated when the case involved a Potawatomi woman married to a white man, because the rights of women as head of households was not clearly defined in the treaty of 1861.²⁵³ On May 28, 1863, David F. Easton, a white man married to Lucy (Bertrand) Easton, a Potawatomi woman, wrote Commissioner Dole complaining that Mr. Wolcott refused to give his wife an allotment of 160 acres (the amount allocated to heads of families), “for the reason that she has no children.” He wanted to know if this was the proper course of action, since, children or not, his wife was the head of their family.²⁵⁴ Whether Easton actually considered his wife the “head of family” is questionable – it is possible he was simply trying to make an argument for a larger plot of land that could have some legal backing. His sentiment does reflect the broader opinion of most Potawatomi and those married into the tribe that women were full citizens of the tribe, just like men, and should be able to claim full allotments as heads of families.²⁵⁵

Other white men were not as loyal to their Potawatomi wives, and as a result their claims to land were more complicated. A particularly complicated case is the relationship triangle of Mr. Sidney W. Smith, a non-Indian, who married Margaret (Ogee) Weld, a Potawatomi, and had a child. At an unspecified date Mr. Smith

²⁵² Agent Ross to Commissioner Dole, 1863-1864, roll 684. As previously noted, George L. Young, a non-tribal member married to a Potawatomi woman, was chosen to represent the Citizen Band on the 1862 Business Committee.

²⁵³ As noted in the previous chapter, the Homestead Act of 1862 allowed women to claim plots of land on their own.

²⁵⁴ The issue here is obviously a disagreement about the subjective term “family.” Are a husband and wife considered a family, or must there be children as well?

²⁵⁵ Potawatomi society was traditionally patrilineal, but women always had a strong role in society. Women’s marks appear on some of the treaties the Potawatomi signed with the United States. Kappler, *Indian Affairs: Laws and Treaties*, II:457–458, 470–471, 824–828.

abandoned his wife to live with a Mrs. Nancy McLane, a widowed Potawatomi. Mr. Smith had a number of children with Mrs. McLane, but eventually abandoned her to return to his wife. He then left his wife for a second time and returned to Mrs. McLane, with whom he was living at the time of allotment. Because of the circumstances of abandonment, Mrs. Smith (Margaret Weld) claimed to be the rightful head of her family, to which Agent Ross and Mr. Wolcott agreed – she received 160 acres as the head of household.²⁵⁶ Similarly, Mrs. McLane refused to recognize Mr. Smith as a member of her household.²⁵⁷ She also received 160 acres as the head of her family. Seeing as “there seemed to be no place for Mr. Smith as a member of the tribe” Wolcott did not allot him at that time.²⁵⁸ After years of petitioning the OIA, Mr. Smith eventually received an allotment in 1867. The Sidney Smith case has more drama and intrigue than most, but it does clearly demonstrate the serious questions raised by the exclusion of women from Article III of the 1861 treaty and the need for clarification of language regarding gender roles, privileges, and categorization of individuals on the reservation.

Another key question the Potawatomi and their allotting agents faced was what to do about giving allotments to Potawatomi whose name appeared on the census, but were not living on the reservation at the time of allotment to make their selection. Mr. Wolcott and Agent Ross’ first inclination was to deny the claim because the individual could obviously not personally put the land to use (i.e. farm or improve it). This decision did not please a number of the Citizen Band. The case of Richard Bertrand, prominent in correspondence from the Potawatomi Agency during the allotment years, illustrates several of the issues involved in these instances.

²⁵⁶ She had two children with her first husband, Hiram Weld, who died in 1855 as well as the child she had with Sidney Smith.

²⁵⁷ One assumes that Sidney Smith and Nancy McLane were not on amiable terms at this point.

²⁵⁸ Mr. Wolcott to Commissioner Dole, June 11, 1864, OIA-LR, roll 684.

In 1863, Mrs. Adlaide Bertrand petitioned Agent Ross and Mr. Wolcott on behalf of her son Richard to allow him to authorize, in writing, someone to make his selection for him. Mrs. Bertrand argued that she and her husband, Lawrence J. Bertrand, were promised that upon moving west they would “share in all the benefits accruing to the Indians.”²⁵⁹ Mr. Bertrand’s death forced his son Richard to leave for California in an attempt to better the condition of the family. Richard and his mother repeatedly insisted that he considered Kansas his home and intended to return. Mrs. Bertrand’s argument for allowing her son to have an allotment, despite the fact that he had not lived on the reservation for many years, was that rejecting his claim for a plot would deny him “from sharing in the privileges of his nation.”²⁶⁰ The OIA decided to do nothing about non-resident Potawatomi until they returned to the reservation. Enlistment in the United States Army during the Civil War delayed Richard Bertrand’s return, but he did eventually come back to the reservation in Kansas. After years of petitioning the OIA finally approved Richard Bertrand for an eighty acre allotment in the summer of 1866.²⁶¹

The Bertrand case is fascinating because Richard participated in national events occurring at the time, like the gold rush and economic boom in California and the Civil War. It also illustrates the shortfalls of the treaty language. Mrs. Bertrand’s correspondence with the OIA and her Indian agent demonstrate that she had clear ideas about the inherent rights of tribal membership for both her and her family – she never stopped pushing for them. The government planned for allotment to lead to the dissolution of the tribe. Instead, the process forced clarification on questions of tribal

²⁵⁹ Commissioner William P. Dole to Commissioner Charles E. Mix, 1863-1864, OIA-LR, roll 684. Her initial petition to Mr. Wolcott and Agent Ross had been denied. Her letters also suggest that persuasion as well as force was used to ensure that as many Indians as possible vacated their former homelands.

²⁶⁰ Mrs. Adelaide Bertrand to Commissioner Dole, 1863-1864, OIA-LR, roll 684.

²⁶¹ Commissioner Dennis N. Cooley to Superintendent Murphy, June 20, 1866, OIA-LR, roll 686.

membership and rights promised to the Potawatomi Nation, as well as indicating that the federal government considered Indians and land to be connected, even in the face of dispossession. Mrs. Bertrand's successful appeal for her son's land as a "privilege of his nation" only further complicated the supposed dissolution of the tribe. Bertrand's case is the most prominent in the records, but several other Potawatomi who did not reside on the reservation at the time filed applications for land allotments and they all made the argument that it was their privilege and right as a tribal member.

Article III contained the provisions that had the largest impact on the lives of each individual who chose to join the Citizen Band; it stipulated the conditions for conveying fee-simple titles to the allotted lands and U.S. citizenship.²⁶² The article specified that only males who were the head of their household and allottees could submit a request to the President to receive a fee-simple patent. Before making this request the individual had to appear in the district court of Kansas and take the same oath of allegiance required by all naturalized aliens and show proof that they were "sufficiently intelligent," had "adopted the habits of civilized life," and had supported themselves for at least five years. If the man met all of these conditions he received his portion of the monies held in trust for the tribe by the federal government and the proceeds from the sale of the land under the provisions of the 1861 treaty. After he made his oath, proved his worthiness, and received his payment, the man ceased to be a member of the Potawatomi Nation and became a United States citizen.²⁶³

In the spring of 1866, recognizing the need to expand the provisions of Article III to more members of the tribe, the Potawatomi insisted on an amendment that changed the

²⁶² A fee-simple title grants out-right ownership of land to the title holder, including the right to sell or lease the land if they so choose.

²⁶³ Kappler, *Indian Affairs: Laws and Treaties*, II:824–825.

language to secure the rights to fee-simple ownership of allotments for Potawatomi women and males who were not heads of their family. The original article designated that “as it please[d] the President of United States”:

Any adults, being *males* and *heads of families*, who may be allottees under the provisions of the foregoing article, are sufficiently intelligent and prudent to control their affairs and interests, he may, at the request of such persons, cause the lands severally held by them to be conveyed to them by patent in fee-simple, with power of alienation.²⁶⁴

The 1866 amendment dictated the extension of the beneficial provisions of the 1861 treaty to all adult members of the tribe, without distinction of sex or whether the individuals were heads of household.²⁶⁵ The modification of treaty language opened the possibility for women and men who were not heads of a family to acquire patents to their allotments and become United States citizens. The amendment allowed the treaty guidelines to more accurately reflect Potawatomi social norms. Women and younger men who earned the respect of their community had always been allowed to voice their opinions in councils, play an active role in community decision making, and sign treaties.²⁶⁶ The measure was also supported by the Potawatomi’s Indian Agent, Luther Palmer, who reported in 1866 that “[m]any of the most competent persons of the tribe are of this class of adults, male and female, but not heads of families.”²⁶⁷

It took years for the special agent and the OIA to process all of the allotment claims with extenuating circumstances. Most of the issues were resolved by 1866 and the OIA made final allotments. Soon after, members of the Citizen Band began to get

²⁶⁴ Ibid., II:825.. Italics added.

²⁶⁵ Ibid., II:916.

²⁶⁶ Women had roles of authority in the clan system of the Potawatomi and female village leaders signed four separate treaties in 1836. Ibid., II:457–458, 470–471.

²⁶⁷ RCIA, 1866, 264.

approval for U.S. citizenship.²⁶⁸ The promised benefits of citizenship convinced the Citizen Band and OIA officials that the treaty, in its original form, would be good for tribal members. As noted in the previous chapter, it is unclear what either group expected from the Potawatomi's promised status as U.S. citizens. There was virtually no precedent for Native American citizenship to build upon.²⁶⁹ If they became United States citizens were the Citizen Potawatomi also considered citizens of the state of Kansas? Would governing bodies allow the Indians who were new U.S. citizens to vote in state and national elections? Could they sue (either other Indians or non-Indians) for alleged grievances? The treaty addressed none of these details. The Citizen Band eventually faced each of these scenarios after they became citizens.

The records do indicate what some tribal members hoped citizenship would provide. In 1865 Citizen Potawatomi and Business Committee member George L. Young petitioned Commissioner Dole to convey patent so that he could become a U.S. citizen and taxpayer. He pled with the Commissioner "You sir place yourself in my position you consider yourself an American. And would like all the rights of one. And suppose (as I have done) that you went to vote for A. Lincoln and your vote refused because for some you were not a qualified voter. You are an Indian in the eyes of the

²⁶⁸ From 1864 to 1869 hundreds of Citizen Potawatomi appeared before the judge of the U.S. District Court in Topeka to take their oath of citizenship and receive their naturalization certificate.

²⁶⁹ "Business Committee to Business Committee on Indian Affairs," n.d., manuscripts, Kansas State Historical Society. The treaty of 1861 proposed an order of events that was intended to result in full assimilation and self-sufficiency for the Citizen Potawatomi. The Citizen Band, likewise, adopted a uniform mode of procedure for the process of receiving a patent for the land and applying for citizenship. After one was assigned a particular plot as their allotment the Business Committee made the application for patent to the OIA which was endorsed by the Indian Agent. To streamline the process the individual's naturalization papers usually accompanied the application. Frank Pommersheim discusses the inconsistencies and difficulties of what he calls Native Americans' "tripartite" citizenship – tribal, state, and national. Frank Pommersheim, *Broken Landscape: Indians, Indian Tribes, and the Constitution*, Reprint (Oxford University Press, USA, 2012), 155–181.

law. Would you not sir try all means in your power to obtain the right to vote.”²⁷⁰ Young’s concerns were a representation of the larger desires of many Citizen Band members. Young was not Indian by blood, but because he was married into, and accepted as a member of the tribe, officials at the polling station treated him like one. For most, being an “Indian in the eyes of the law” meant total disenfranchisement. If they were going to have their lives shaped by the actions of politicians and laws on the state and federal level Native Americans wanted the same basic rights, voice, and protections afforded to other citizens.²⁷¹

FAILURE OR FRESH START?

In reality, the 1861 treaty provided neither the security nor basic rights for which the Citizen Band hoped. Additionally, it did not achieve the federal government’s goal of assimilating the Citizen Potawatomi. By 1867 a majority of those who accepted allotment and citizenship were dispossessed of their land and nearly destitute. A number of factors contributed to their downfall, including the unclear process of reaching their new status and a lack of safeguards written into the legislation. Most detrimental were the taxes required of the Citizen Potawatomi because the state of Kansas began taxation in contradiction to the terms of the treaty and many of the Potawatomi did not understand the system.

The federal government ignored the treaty article that allowed for the provision of farm implements and other supplies before levying taxes. The Citizen Potawatomi were

²⁷⁰ George L. Young to Commissioner Dole, February 19, 1864, OIA-LR, roll 684. George L. Young was not Potawatomi by blood. Upon his marriage to Josette Vieux, Young effectually gave up the rights of a U.S. citizen to become eligible for the benefits granted the Potawatomi Nation. Mr. Wolcott and Agent Ross to Commissioner Dole, May 7, 1863, OIA-LR, roll 684.

²⁷¹ Nothing was specifically mentioned about women wanting the right to vote, but women were allowed to sign treaties and had at least some say in tribal affairs, so the concept of political participation by women was not foreign to them.

taxed almost immediately upon choosing an allotment and before they were given money for supplies.²⁷² Unable to pay these taxes, these difficult circumstances forced many individuals to sell their acreage to either the railroads or white settlers who were eager to buy the land at a reduced price.²⁷³ In his monthly report Agent Palmer lamented that the Citizen Band desperately needed the promised funds to buy supplies and provisions to improve their land. Without the money, he argued “the receiving of patents only lays them liable to be regarded by the state authorities as already citizens and to be harrassed by assessors and collectors of taxes without having the necessary means to improve their land and to raise the wherewith to support their families and pay their taxes.”²⁷⁴ That year Commissioner Cooley addressed the issue of Potawatomi taxation before they were citizens by arguing that “courts sustained the right of the State to tax lands which had been patented to Indians, whether they had become citizens or not...”²⁷⁵ Essentially, once a member of the Citizen Band received their patent for their land, state authorities considered them liable for the taxes on said property, even if they were not yet eligible for any of the protections provided to citizens.

For most of the Citizen Potawatomi the burden of taxation began in 1865 or 1866 when they received their patent. They did not receive their share of the collective funds due the tribe and the profits from the sale of their “surplus land” to buy supplies and equipment essential for farming until two years later. In November of 1868 the first group of Citizen Band members received their portion of the monies due the tribe from

²⁷² Article 7 of the 1861 treaty provided that the interest on the tribe’s improvement fund would be spent on machines and implements to assist the Potawatomi in their farming efforts. Kappler, *Indian Affairs: Laws and Treaties*, II:824–825.

²⁷³ Later allotment agreements, including the General Allotment (Dawes) Act of 1887 would include a trust period in which the U.S. government held the patent for a given period of time so the allottee could not sell their land. This was not the case with the Treaty of 1861.

²⁷⁴ Agent Palmer to Commissioner Cooley, November 1, 1866, OIA-LR, roll 686.

²⁷⁵ Commissioner Dennis N. Cooley, 1866, OIA-LR, roll 686.

past treaty agreements. They were each issued bank notes for \$610.59.²⁷⁶ It was too late to save the allotments of most tribal members. After a seven year delay, in the summer of 1868, the Atchison, Topeka, and Santa Fe Railroad Company finally negotiated to buy all of the unallotted land for one dollar an acre.²⁷⁷ These dire circumstances forced many members of the Citizen Band to sell their land for less than it was worth to survive.

The thirty year period from the 1830s through the 1860s thrust drastic and often traumatic change on the Potawatomi in Kansas. They endured multiple forced removals, disease outbreaks, harsh weather with too little food, and the near total domination of every aspect of their lives by government officials and missionaries. As a result of their troubling circumstances in Kansas, in the 1870s, many members of the Citizen Band made a decision that they hoped would benefit their families. They decided to leave Kansas and take up residence on a new reservation in Indian Territory.²⁷⁸ Unlike several of the removals from the Great Lakes, the Potawatomi did not enter into the treaty that arranged this move because of trickery or coercion. Militiamen did not round up the Potawatomi and force them to leave their homes at the end of a bayonet as they were with the Trail of Death. Instead, the 1867 treaty and resulting move was the product of a discouraging combination of broken promises, bad conditions, poor choices, and a resolve to try something new in hopes of a better life. The circumstances may have been different from previous removals, but the tribal members who made the move to Indian Territory had similar fears and questions as their parents and grandparents, removed a generation earlier. They had no idea what to expect but all hoped the most of this backhanded opportunity.

²⁷⁶ U.S. Office of Indian Affairs, Potawatomi Agency, Receipt book, November 14, 1868.

²⁷⁷ Kappler, 970-974.

²⁷⁸ The details of the 1867 treaty will be examined in chapter 5 of this dissertation.

CONCLUSION

The Citizen Potawatomi did not choose to accept allotments and citizenship, as set forth in the treaty of 1861, in a political, cultural, social or economic vacuum. They felt the anxiety of living in a country on the verge of a civil war, they understood that the flood of emigrants and settlers in their region would likely continue to grow, and they realized there was very little chance they would ever rid themselves of the omnipotent Office of Indian Affairs. The demands of non-Indian settlers and the expansion of the railroad greatly reduced all tribal land holdings in Kansas. By choosing to take allotments and U.S. citizenship the Citizen Potawatomi hoped to attain more control over their lives by acquiring fee-simple titles and United States citizenship, both of which promised to extend the same protections of state and federal laws that applied to the non-Indian settlers swarming around them.

The years following the 1861 treaty reveal that the Citizen Potawatomi were in a precarious position. For generations the federal government and the Indian Department worked to fit the Potawatomi, and all Native Americans, into dichotomies: enemy or ally, primitive or civilized, ward or citizen. They shaped (and reshaped) Indian policies with the intent of pushing Native Americans away from their own cultures and lifeways to become more acceptable and compatible with American society. The agreement between the Citizen Potawatomi and the OIA set forth in the treaty of 1861 lacked definition, clear direction, and failed to account for the many pitfalls these “pioneers” of Native American landownership and U.S. citizenship would encounter.²⁷⁹ Neither the OIA nor the Citizen Potawatomi had a plan for the indistinct status of “quasi-citizens” the Citizen Potawatomi took on as a result of the 1861 treaty.

²⁷⁹ Edmunds, “Indians as Pioneers: Potawatomis on the Frontier.”

In the process of applying the treaty the OIA and the Citizen Potawatomi were obliged to mutually define tribal membership, delineate the rights of women within the tribe and determine what it meant to be a member of the Citizen Potawatomi band and a United States citizen. The OIA did not give tribal members the option to formally negotiating these details before the treaty, and because they were among the first tribes to enter into a treaty with the conditions of allotment and citizenship, there was very little precedent to guide them. A process of trial and error decided the finer points of how the Citizen Potawatomi would arrive at fee-simple titles and full enfranchisement as U.S. citizens. As a result, the first decade after the treaty was incredibly challenging for the group and by the late 1860s many Citizen Potawatomi were closer to destitution than success as small farmers.

As we shall see in subsequent chapters, the Citizen Potawatomi continued to live in a condition with uncertain and undefined rights for several decades. In the twenty years after they moved to Indian Territory tribal members organized politically and individuals learned to petition for their rights more effectively. The Citizen Potawatomi survived as individuals and as a tribe on the challenging terrain and in the often lawless conditions of Indian Territory.

Chapter 4: Forever Until Tuesday: Allotment and the End of Indian Territory

On the morning of Tuesday, September 22, 1891, more than twenty thousand anxious settlers, all “armed like a walking arsenal,” gathered on foot, horseback, and with wagons at a predetermined starting line, awaiting the sound of the bugle that could change their lives.²⁸⁰ Each one of these individuals hoped to be lucky enough to claim one of the seven thousand available one hundred and sixty acre plots, carved out of the “surplus” lands of the recently allotted Citizen Potawatomi, Iowa, and Sac and Fox reservations. The Citizen Potawatomi, some of whom travelled to the starting line to watch the action, saw thousands of acres of land that the federal government pledged would be for the “exclusive use and occupancy” of their tribal members pass from the tribe to the hands of non-Indian settlers in one day.²⁸¹ This contest for recently relinquished Indian lands was one of seven land runs that occurred in Indian and Oklahoma Territories between 1889 and 1895.²⁸²

How did events in Indian Territory evolve to the point of organizing a mob of would-be homesteaders to race for land that, just over a year before, was part of reservations that treaties with Indian tribes promised to be Native Americans’ exclusive homes forever? Since the organization of Kansas and Nebraska into official territories in 1854, Indian Territory was the designated province for more than two-dozen tribes removed from their ancestral homes to make way for the progression of American culture and society through non-Indian settlement. As late as 1866, the federal government

²⁸⁰ Hamilton S. Wicks, “The Opening of Oklahoma,” *The Cosmopolitan* 7, no. 5 (September 1889): 461. Wicks’ account is in reference to the land run on April 22, 1889, but it is relevant because all of the land runs were organized to operate in the same way.

²⁸¹ Kappler, *Indian Affairs: Laws and Treaties*, II:970.

²⁸² Berlin B. Chapman, “The Pottawatomi and Absentee Shawnee Reservation,” *The Chronicles of Oklahoma* 24, no. 3 (1946): 293–305.

arranged several land cession treaties with existing tribes in the area to accommodate more Indian peoples; there was obviously still a commitment to the notion that Indian Territory should be exclusively for Native Americans.

Yet, twenty years later Congress passed the Dawes Act, the most significant and widely applied piece of land reform legislation to ever influence Indian land tenure.²⁸³ Three years following the Dawes Act, a flurry of legislation emerged from Congress that destroyed the structure of tribal governments, imposed federal laws on the region, organized Oklahoma as a an official U.S. Territory, and opened millions of acres of land to non-Indian settlement. These laws brought Indians and non-Indians side by side as reluctant neighbors and marked the abandonment of half a century of Indian policy intended to keep them apart through removal and the establishment of reservations. This relatively rapid change in circumstances was the result of Congress' adoption of assimilation policies and legislative accommodations for land-hungry settlers who desired Indian lands.

This chapter will scrutinize all of these developments and analyze how they shaped the lives of the Native Americans in the region. It will also explain how Indian Territory's unique history and qualities, along with the great number of distinct tribes residing in its boundaries, meant that implementation of broad Indian policies, and other federal mandates, met with a series of important challenges from Indians, white settlers, and the powerful interests who wanted Indian lands. In many ways, the dispossession of Indian lands fell into a time worn pattern: whites wanted Indian lands and sought to take them. As in Kansas, legislative efforts in Indian Territory both strengthened the idea of Indian citizenship and eroded Indian lands. Examining the application and repercussions

²⁸³ Bruce E. Johansen, *The Encyclopedia of Native American Legal Tradition* (Greenwood, 1998), 14.

of select pieces of assimilation and land reform legislation, that were applied in rapid succession, will allow the reader to appreciate the varied responses of the Citizen Potawatomi and other tribes in the territory to these laws that will be explored more fully in the final chapter of this dissertation. Though Indian Territory was created to be a last home for Native Americans, in practice it was a temporary home, and followed a familiar pattern of action designed to facilitate the dispossession of land and accelerate the process of transfer to non-Indian settlers.

INDIAN TERRITORY

The Indian Territory that remained after the organization of Kansas and Nebraska into official territories was either the ancestral home or range of several tribes, including the Caddo, Wichita, Kiowa, Apache, and Osage. These tribes spoke distinct dialects from Siouan, Athabaskan, and Caddoan language stock. Their lives were largely dictated by the climate and geography of the plains. The weather was often extreme, with cold winters and scorching summers, and the land was flat and prone to unpredictable levels of precipitation.²⁸⁴ The areas of the Great Plains that the U.S. designated Indian Territory in 1854 contained about seventy thousand square miles and encompassed most of modern-day Oklahoma.²⁸⁵ An article written at the turn of the twentieth century described the land as “teeming with buffalo, deer, turkey and other game,” and the author, C. H. Fitch, lauded the region’s “timber for fuel” and “grass for horses.” He did grant that in the summers, when the weather is hot, “the country presents a different

²⁸⁴ Frederick E. Hoxie, ed., *Encyclopedia of North American Indians: Native American History, Culture, and Life From Paleo-Indians to the Present*, First Edition (Houghton Mifflin Harcourt, 1996), 36, 332.

²⁸⁵ E.C. Boudinot, “The Indian Territory and Its Inhabitants,” *Journal of American Geographical Society of New York* 5 (1874): 217. For a broad history of the region see Arrell M. Gibson, *Oklahoma, a History of Five Centuries*, 2 Sub (University of Oklahoma Press, 1981).

appearance, not so attractive.”²⁸⁶ Still, Fitch recognized how valuable the land had once been for the Indian nations that lived in the area.

In the 1830s and 1840s most of Indian Territory was divided between the Cherokee, Choctaw, Chickasaw, Creek, and Seminole. Each of these tribes experienced long, harsh, and often devastating removals from their ancestral homes in the southeast between 1832 and 1846.²⁸⁷ Popular sentiment in the early decades of the nineteenth century touted that the land between Arkansas and the Rocky Mountains was a “barren waste,” so it was an appropriate location for these displaced tribes.²⁸⁸ After arriving in Indian Territory the status of the Five Nations among Native Americans differed from other Indian tribes in the region. Each of these tribes had a distinct tribal constitution that provided for the establishment of executive leadership, a legislative body, and a separate court system that created and carried out laws that were separate from those of the federal government and surrounding states.²⁸⁹ The creation of a three-branch government, in the spirit of the United States, led many contemporaries and academics to refer to the nations

²⁸⁶ C.H. Fitch, “The Five Civilized Tribes: Indian Territory,” *Journal of American Geographical Society of New York* 32, no. 1 (1900): 15–16. This article was written after most of the available land in Oklahoma and Indian Territories was settled by non-Indians, therefore what was initially thought of as a “waste land” had been transformed by the need to validate the decision to take the land.

²⁸⁷ There are numerous works about the removals of these tribes from the southeast to Indian Territory. A few examples are: Theda Perdue and Michael Green, *The Cherokee Nation and the Trail of Tears*, Reprint (Penguin Books, 2008); James W. Covington, *The Seminoles of Florida*, First (University Press of Florida, 1993); Amanda L. Paige, Fuller L. Bumpers, and Daniel F. Littlefield Jr, *Chickasaw Removal* (Univ of Oklahoma Pr (Txt), 2010); Arthur H. Derosier, *The Removal of the Choctaw Indians*, 1st ed. (Univ Tennessee Press, 1981).

²⁸⁸ Wicks, “The Opening of Oklahoma,” 464.

²⁸⁹ Loren N. Brown, “The Establishment of the Dawes Commission for Indian Territory,” *Chronicles of Oklahoma* 18, no. 2 (1940): 171; Orville H. Platt, “Problem in the Indian Territory,” *The North American Review* 160, no. 459 (February 1895): 195; Arrell M. Gibson, “Constitutional Experiences of the Five Civilized Tribes,” *American Indian Law Review* 2, no. 2 (1974): 17–45. For an in-depth analysis of the gradual deconstruction of the Five Nations’ governments in the late nineteenth century through federal judicial reform see Jeffrey Burton, *Indian Territory and the United States, 1866-1906: Courts, Government, and the Movement for Oklahoma Statehood* (University of Oklahoma Press, 1997).

as the Five Civilized Tribes who stood in stark contrast to other supposedly “non-civilized” Indians on the plains.²⁹⁰

The unique national character of the Five Nations garnered a great deal of attention from nineteenth-century newspapers and journals, and inspired myriad works of scholarship by academics of the era and beyond.²⁹¹ The number of works dedicated to these tribal entities could lead to the misconception that understanding the history of the Five Nations is to know the history of Indian Territory – and for almost thirty years, from the late 1830s to the mid-1860s there is some truth to this suggestion. The Five Nations controlled more than fourteen million combined acres of land and had the largest populations in the territory.²⁹² In reality, however, the history of Indian Territory is more diverse than a cursory assessment of this scholarship would lead one to believe. The state of Oklahoma is presently home to thirty-eight federally recognized tribes, and most of these nations were established in their new homes in Indian Territory by 1889.²⁹³ As early as 1855, the federal government persuaded the Choctaw and Chickasaw to lease their lands in the western section of Indian Territory to create reservations for other

²⁹⁰ The term Five Civilized Tribes is generally not used today because of its dismissive connotation to other tribes. I will use Five Nations.

²⁹¹ Nineteenth and early twentieth-century newspapers and magazines often sent reporters and journalists to Indian Territory to write about the Five Nations. A sample of these articles include Anna Laurens Dawes, “An Unknown Nation,” *Harper’s New Monthly* 76, no. 454 (1888): 698–605; Gail Hamilton, “The Lion’s Share of the Lion Question,” *The North American Review* 146, no. 376 (1888): 294–309; Fitch, “The Five Civilized Tribes: Indian Territory”; Theodora R. Jenness, “The Indian Territory,” *Atlantic Monthly* XLIII (1879): 444–452. More contemporary monographs include Grant Foreman, *The Five Civilized Tribes: Cherokee, Chickasaw, Choctaw, Creek, Seminole* (University of Oklahoma Press, 1971); William G. McLoughlin, *Cherokee Renascence in the New Republic* (Princeton University Press, 1992); Clara Sue Kidwell, *The Choctaws in Oklahoma: From Tribe to Nation, 1855-1970* (University of Oklahoma Press, 2008); Rennard Strickland, *The Indians in Oklahoma* (University of Oklahoma Press, 1980). Even histories that do include the experiences of tribes other than the Five Nations rarely include Great Lakes tribes. For an example see David La Vere, *Contrary Neighbors: Southern Plains and Removed Indians in Indian Territory* (University of Oklahoma Press, 2001).

²⁹² Wicks, “The Opening of Oklahoma,” 462.

²⁹³ “List of Federal and State Recognized Tribes,” accessed March 4, 2013, <http://www.ncsl.org/issues-research/tribal/list-of-federal-and-state-recognized-tribes.aspx#ok>.

tribes. These lands eventually became home to the Wichita, Kiowa, Comanche, Apache, Cheyenne, and Arapaho.²⁹⁴ All of these tribes were indigenous to the region, so the result was their confinement to a delineated reservation, but with few changes in their physical surroundings. In the 1860s and 1870s, there was an influx of tribes that previously resided in Kansas. Several of these tribes, including the Citizen Potawatomi, experienced multiple removals in the decades before they finally arrived in Indian Territory. The new reservations for the tribes coming from Kansas were made up of lands captured as a punitive response against the Five Nations who joined the confederacy during the Civil War. The aftermath of the conflict drastically changed the allocation of lands in Indian Territory.

The Five Nations all came from ancestral homelands that lay within the states that formed the Confederacy during the Civil War. Even though they were removed from the American southeast almost three decades prior to the outbreak of armed conflict, their communities still bore the markings of their time in a slave society and tribes felt it was in their best interest to support the Confederacy.²⁹⁵ All of the Five Nations, as well as several other tribes in Indian Territory, signed treaties of “Friendship and Alliance” with the Confederate States of America.²⁹⁶

After the end of the Civil War, Congress took up the issue of what to do with lands in Indian Territory and even debated the feasibility of providing acreage to freedmen there. Legislation passed during the conflict authorized the federal government

²⁹⁴ William T. Hagan, *Taking Indian Lands: The Cherokee (Jerome) Commission, 1889-1893* (University of Oklahoma Press, 2011), 6.

²⁹⁵ For more on the experience of Native Americans as slave holders see Celia E. Naylor, *African Cherokees in Indian Territory: From Chattel to Citizens* (The University of North Carolina Press, 2009); Claudio Saunt, *A New Order of Things: Property, Power, and the Transformation of the Creek Indians, 1733-1816* (Cambridge University Press, 1999).

²⁹⁶ Vine Deloria and Raymond J. De Mallie, *Documents of American Indian Diplomacy: Treaties, Agreements, and Conventions, 1775-1979* (University of Oklahoma Press, 1999), 588–680.

to seize and sell property of individuals who supported the Confederacy.²⁹⁷ In the case of non-Indians, President Johnson ruled that the law only applied during wartime.²⁹⁸ Government authorities did not deem land seizures and redistribution as a valid option for Americans who rebelled against the United States, but while other confederates maintained their property once the conflict ended, the same was not true among the Five Nations. In Indian Territory a policy of land reform was vigorously enforced, and Native Americans who sympathized with the Confederacy lost some of their landholdings as a result. Perhaps the government rationalized that it could both punish its former enemies and engage in a suitable form of redistribution by taking property from one group of Indians and giving it to another.

More than one tribe lost lands as a result of such actions. The future Citizen Potawatomi reservation, for instance, was comprised of an area seized from the Seminole and the Creek Nations after their defeat in the Civil War. On March 21, 1866, the Seminole Nation entered into a cession treaty in which they were forced to cede a large portion of their reservation to the federal government “[i]n compliance with the desire of the United States to locate other Indians and freedmen thereon” as part of their penalty for their disloyalty to the United States.²⁹⁹ The Seminole received a token payment of 15¢ per acre.³⁰⁰ Creek lands were ceded by a similar treaty on June 14, 1866, they

²⁹⁷ The legislation that allowed this was The Second Confiscation Act of 1862. U.S., *Statutes at Large, Treaties, and Proclamations of the United States of America*, vol. 12 (Boston, 1863), pp. 589–92.

²⁹⁸ Michael T. Martin and Marilyn Yaquinto, *Redress for Historical Injustices in the United States: On Reparations for Slavery, Jim Crow, and Their Legacies* (Duke University Press, 2007), 207–208.

²⁹⁹ *S. Doc. No. 64*, 51st Cong. 2nd Sess. (1891), 15.

³⁰⁰ Kappler, *Indian Affairs: Laws and Treaties*, II:910. The preamble of the Seminole’s treaty states that “[w]hereas the Seminole Nation made a treaty with the so-called Confederate States, August 1st, 1861, whereby they threw off their allegiance to the United States, and unsettled their treaty relations with the United States, and thereby incurred the liability of forfeiture of all lands and other property held by grant or gift of the United States; and whereas a treaty of peace and amity was entered into between the United States and the Seminole and other tribes at Fort Smith, September 13 [10,] 1865, whereby the Seminoles revoked, canceled, and repudiated the said treaty with the so-called Confederate States; and whereas the United States, through its commissioners, in said treaty of peace promised to enter into treaty with the

received 30¢ per acre.³⁰¹ The following year, in 1867, the federal government negotiated a treaty with the Seneca, Shawnee, and Quapaw to sell portions of their land in Indian Territory as a means of “rebuilding their houses, re-opening their farms, and supporting their families” because of the destruction to their property resulting from the Civil War in Indian Territory. Their ceded lands became the home of the Wyandotte, Ottawa, Peoria, Kaskaskia, Wea, and Piankeshaw who were moved out of Kansas.³⁰²

Foreshadowing the experience of the Citizen Potawatomi in the 1870s, the Delaware agreed to a treaty in 1866 which called for their removal from Kansas to Indian Territory.³⁰³ Unlike prior removal efforts, this one was not funded by the federal government and it fell to each Delaware family to provide their funds to pay for the journey. Some families traveled to Indian Territory alone and others in groups. The more affluent among them could afford to complete the relocation in one trip and quickly established their homes. The poorer Delaware had to make the move in multiple months, usually only bringing what they could move with one wagon. It was a slow and labored process.³⁰⁴ The Delaware treaty was one of the first to stipulate that individuals pay for their own moves, but it was not the last. Each tribe that was relocated to Indian Territory arrived there under unique circumstances and brought with them the emotional scars and

Seminole Nation to arrange and settle all questions relating to and growing out of said treaty with the so-called Confederate States; and whereas the United States, in view of said treaty of the Seminole Nation with the enemies of the Government of the United States, and the consequent liabilities of said Seminole Nation, and in view of its urgent necessities for more lands in the Indian Territory, requires a cession by said Seminole Nation of part of its present reservation, and is willing to pay therefor a reasonable price, while at the same time providing new and adequate land for them.” See also Charles W. Mooney, *Localized History of Pottawatomie County, Oklahoma to 1907*, 1971, 3.

³⁰¹ Kappler, *Indian Affairs: Laws and Treaties*, II:931–937. For more on this subject see Minnie Thomas Bailey, *Reconstruction in Indian Territory: A Story of Avarice, Discrimination and Opportunism* (Associated Faculty Pr Inc, 1972). After the final land cessions the Five Nations controlled roughly 30,000 square mile of land in Indian Territory. Fitch, “The Five Civilized Tribes: Indian Territory,” 17.

³⁰² Kappler, *Indian Affairs: Laws and Treaties*, II:960–969.

³⁰³ *Ibid.*, II:937–942.

³⁰⁴ Linda Parker, “Indian Colonization in Northeastern and Central Indian Territory,” *The Chronicles of Oklahoma* 54, no. 1 (1976): 117–118.

lessons of their interactions with the federal government. This is why it is important to examine how different groups obtained land parcels in Indian Territory and moved there. It helps one to understand what the term “Indian Territory” actually implied in form and in function.

AN ILL-DEFINED, VIOLENT, AND VALUABLE TERRITORY

Despite its moniker, “Indian Territory” was never actually organized as a territory. Unlike many other regions of the West that were quickly organized as territories and ushered into statehood as soon as their population level made it possible, the federal government never established a plan for a political organization or a natural path to statehood in “Indian Territory.” The area was never intended to become anything more than a place to put Native Americans who were removed from their homes to make land available for non-Indians. Observers from the period strikingly referred to the territory as “the dumping-ground for remnants of tribes” and another noted that “it is simply a remain.” It seems reasonable to conclude that the Federal Government wanted its “Indian problem” to fade into the recesses of the American landscape and the supposedly “barren” territory that would become Oklahoma seemed the ideal place for this to happen.³⁰⁵ Such ideas had an immediate effect on the people who lived there.

The federal government’s dismissive attitude about the region led to a relatively laissez faire approach to law and order in Indian Territory. For decades, authority and responsibility to enforce justice and keep peace in Indian Territory was left to the tribes. Treaties with the Five Nations allowed them to set up courts to protect and punish their own tribal members. Most of the other tribes in the area, including the Citizen Potawatomi, had a council or business committee that settled disputes, with the

³⁰⁵ G. E. Condra, “Opening of the Indian Territory,” *Bulletin of the American Geographical Society* 39, no. 6 (1907): 323.

occasional support of their Indian agent. To aid in curbing the lawlessness and to help maintain social order on the reservations, Congress authorized funds to create a corps of Indian policemen in 1878.³⁰⁶ The federal government paid these Indian men, gave them rations, and provided clothing in return for their work patrolling their reservations.³⁰⁷ None of these methods of justice had authority over non-Indians who saw Indian Territory as a haven, specifically because it lay outside of most jurisdictions.³⁰⁸

Local histories of Pottawatomie County, which encompasses the former Citizen Potawatomi reservation, claim that famous outlaws like Jesse James, the Younger brothers, and Sam and Belle Starr all used the area as a hideout and rendezvous point.³⁰⁹ In 1879, the agent for the Sac and Fox reported that the Potawatomi and Kickapoo reservations were infested with gangs of outlaws. He protested that more than one hundred outlaws were hiding out in the region “committing murder and robbery on defenseless citizens of both places” as well as running off their stock.³¹⁰ For example, in the spring of 1876 an outlaw attacked Joshua E. Clardy, a Citizen Potawatomi merchant, in an attempt to rob his store. The two men struggled over the assailant’s knife. Clardy was injured in the fight and the attacker was ultimately killed.³¹¹ A few years later, on Christmas morning, 1891, Peter Anderson, one of the first Citizen Potawatomi to move to Indian Territory, was shot and killed by outlaws that he was pursuing as part of a

³⁰⁶ 20 U.S. Stat. 86. Fixico, *Bureau of Indian Affairs*, 40–41. Congress appropriated \$30,000 to pay the salaries of 430 Indian policemen at \$5 per month and 50 officers at \$8 per month.

³⁰⁷ RCIA, 1875, 80.

³⁰⁸ Brown, “The Establishment of the Dawes Commission for Indian Territory,” 173.

³⁰⁹ Mooney, *Localized History of Pottawatomie County, Oklahoma to 1907*, 9. Family histories recount that Citizen Potawatomi tribal members Antoine and Mary (Anderson) Bourbonnais were close friends with the outlaw Jesse James and would hide him in their cabin when he was on the run from authorities. Bourbonnais Collection, Citizen Potawatomi Nation Cultural Heritage Center Archives, Hist010 and 015.

³¹⁰ RCIA, 1875, 80.

³¹¹ Bourbonnais Collection, Citizen Potawatomi Nation Cultural Heritage Center Archives, Documents Hist152.

posse.³¹² The absence of effective law and law enforcement made Indian Territory a safe haven for both violent criminals and those who were prone to more minor illegal offenses, as there were few lawmen, no judge, and no jury. These conditions were the inspiration for a common saying in the late nineteenth century that “there is no Sunday west of St. Louis and no God west of Ft. Smith.”

In an attempt to remedy the lack of legal options for prosecution of non-Indians in Indian Territory, in 1887, Congress passed legislation that organized all of the territories west of Missouri and Arkansas into a judicial district attached to the district court at Ft. Smith, Arkansas.³¹³ This meant that anyone who violated a federal law, and was not subject to a tribal court or other method of justice (i.e. a member of an Indian nation), could be taken to Ft. Smith for trial.³¹⁴ Federal offenses continued to be heard outside of Indian Territory until 1889 when Congress established federal courts in Muskogee, Ardmore, and South McAlester. The jurisdiction of these courts was expanded in 1890 to include all misdemeanor offenses, even if they occurred between Indians and non-Indians. On paper, there was now some organization to oversee order and justice for everyone in Indian Territory, whether they were there legally or not. The creation of a system of justice to punish individuals in a location they were never supposed to inhabit suggests that the government had abandoned the notion of a territory exclusively inhabited by Indians. Despite Congress’ efforts to curb lawlessness, the creation of a court at Ft. Smith was still not enough to resolve the problem. To counter the violence of

³¹² Anderson Collection, Citizen Potawatomi Nation Cultural Heritage Center Archives, Documents Hist135-136.

³¹³ Brown, “The Establishment of the Dawes Commission for Indian Territory,” 174. Jenness, “The Indian Territory,” 445.

³¹⁴ Brown, “The Establishment of the Dawes Commission for Indian Territory,” 174. All felonies were still heard in Ft. Smith or Paris, Texas.

the region the Army had to eventually send a number of troops under the command of Major Davis from Ft. Sill to suppress the crime.³¹⁵

While non-Indian criminals used the land as a hideout, the average U. S. [non-Indian] citizen and other more powerful corporate entities were beginning to rationalize a crime of another sort; the taking of more Indian land. In their minds it was a victimless crime because popular sentiment of the time dismissed Native Americans as lazy individuals with no desire to capitalize on their holdings at best, and a subhuman remnant of a forgotten era at worst.³¹⁶ In either case, the harrowing process of stripping indigenous peoples of their lands began anew in Indian Territory.

THE DISSOLUTION OF AN INDIAN TERRITORY: LEGISLATING ASSIMILATION AND AN END TO INDIAN LAND TENURE

Non-Indian's desire for tribal lands was as strong in the final decades of the nineteenth century as it had been in the areas east of the Mississippi River that pre-dated the Indian removals of the 1830s. The population west of the Mississippi River exploded after the Civil War, rising from seven to eleven million in the 1870s and almost all of those people wanted their own land.³¹⁷ Many people were interested in seeing Indian Territory, some of the last "unimproved," arable lands in the United States, thrown open to non-Indian settlement by the federal government. Using the past as precedent, Indians had good reason to believe that politicians would forsake them.

³¹⁵ RCIA, 1880, 92. In 1881 the agent reported that there were no longer any outlaws on the Potawatomi reservation. RCIA, 1881, 102.

³¹⁶ Brian Dippie quotes George Ainslie's article "The Indian Question" in which the clergyman asks "If averse to civilization, why cast such a pearl before such swine?" Dippie, *The Vanishing American*, 95. Dippie and other scholars explore the non-Indian perceptions of Native Americans in eighteenth and nineteenth century America. See also, Robert F. Berkhofer, *The White Man's Indian: Images of the American Indian from Columbus to the Present*, 1st Vintage Books ed (Vintage, 1979); Bernard W. Sheehan, *Seeds of Extinction: Jeffersonian Philanthropy and the American Indian* (The University of North Carolina Press, 2010).

³¹⁷ Hoxie, *A Final Promise*, 43.

As in the Old Northwest and other territories that became states, the most persistent and influential force pushing for the opening of Indian land was the will of the American public. Hopeful farmers and businessmen looked on the acres in the territory as a land of promise. C.H. Fitch, writing at the turn of the twentieth century explained the American perception of a right to this land, stating, “It is impossible to keep the average American out of any place where, in his estimation, he can by energy and pluck add to his capital in developing the resources of a country.” Even Indians supposedly realized the seemingly undeniable outcome of such desires. According to Fitch, “that a change must come was apparent to the most enlightened of the Indians.”³¹⁸

While Fitch may have been channeling his own desires as much of those of “average” settlers, it was not just the undeveloped nature of this land that drove thousands of individuals to leave cities and farms around the country and risk competing for property through a land run. Fitch, and the Indians who inhabited the territory, realized that the underlying sentiment of such expressions was simply that the Indians *did not deserve* to own as much land as they did. Historian David M. Wrobel explores the perception in late nineteenth-century American society that freely available land no longer existed, causing “frontier anxiety.”³¹⁹ This fear, coupled with jealousy over land holdings, created a mentality that allowed non-Indians to rationalize the push to open those lands so that they could make proper use of them.³²⁰ As Wrobel noted, “numerous

³¹⁸ Fitch, “The Five Civilized Tribes: Indian Territory,” 19.

³¹⁹ David M. Wrobel, *The End of American Exceptionalism: Frontier Anxiety from the Old West to the New Deal* (University Press Of Kansas, 1996). Wrobel argues that the perception of the end of the frontier existed since the 1870s, more than a decade before Fredrick Jackson Turner created his “frontier thesis.” Frederick J. Turner, *Annual Report of the American Historical Association 1903 - Vol. II*, 1ST ed. (Government Printing Office, 1904).

³²⁰ For more on the public perception of Indian land use see Cronon, *Changes in the Land*.

Americans perceived that the frontier had closed, and acted on their perceptions.”³²¹ Commentary of the time, as it had in previous generations, insisted that the indigenous inhabitants of Indian Territory were “veritable land barons” who were “among the richest landed aristocrats on the globe.”³²² For the average landless American brought up on rhetoric lauding the importance of the frontier to American democracy and the value of the yeoman farmer, this was a source of resentment.³²³

While non-Indian settlers could “squat” on the land they wished to inhabit, permission to legally sanction non-Indian settlement in Indian Territory had to come from Congress. In the 1880s and 1890s a series of laws were passed, like the Dawes Act and the Oklahoma Organic Act, which would make it possible. Yet the actual possession of such land was driven as much, if not more, by a raw desire for ownership as it was the legal sanctioning of its settlement. A journalist for *Atlantic Monthly* wrote of the non-Indian anticipation of settling Indian Territory in 1879 noting that, “[y]eliding to the human impulse which causes them to crave what is beyond their reach, men have stood upon the boundary line and cast longing glances over to the Indian Eden...leaving stakes behind them, driven with the hope that Congress might speed the day when the territorial land would become government homesteads.”³²⁴ Rather than by force or coercion, federal officials worked to avoid public backlash against the absurd idea that Indians had amassed great amounts of property without *earning* them.

³²¹ David M. Wrobel, *The End of American Exceptionalism: Frontier Anxiety from the Old West to the New Deal* (University Press Of Kansas, 1996), viii.

³²² Wicks, “The Opening of Oklahoma,” 436.

³²³ The belief that American’s should endeavor to work closely with the land was a common sentiment since the age of Thomas Jefferson. Jefferson wrote in his *Notes on the State of Virginia* that “[t]hose who labour in the earth are the chosen people of God, if ever he had a chosen people, whose breasts he has made his peculiar deposit for substantial and genuine virtue.” Thomas Jefferson, *Notes on the State of Virginia* (J.W. Randolph, 1853), 164–165.

³²⁴ Jenness, “The Indian Territory,” 444.

In the face of this public sentiment and genuine land hunger, in the 1870s and 1880s the assimilationist practices became the official direction of U.S. Indian policy. Convinced reformers were certain it was the only way to avoid total annihilation of the Indian race. If Indians did not simply disappear, reform-minded politicians and social advocates, like the “Friends of the Indian” hoped to use federally mandated legislation to end Native American cultural practices that they viewed as destructive to the progress of the race.³²⁵ Moreover, the U.S. began to outlaw tribal governance and self-determination in order to eradicate tribal cultures and sovereignty. The rationale for the assimilationist policies of private land ownership and compulsory U.S. citizenship was simple: they would allow, if not force, Native Americans to become self-sufficient participants in American society – and, conveniently, the overall plan would require that they occupied much less land than they currently inhabited.

From 1887 to 1891 Congress passed numerous pieces of groundbreaking legislation that rapidly brought an end to the concept of Indian Territory as a home where Native Americans could live by the rules and standards of their own nations, instead of being forced to conform to the non-Indian way of life. In these years Congress passed several seminal pieces of legislation that forced significant changes to the lives of the Native Americans living in Indian Territory. These included the Dawes Act, the Springer Amendment, the creation of the Cherokee Commission, and the Oklahoma Organic Act.

However, the genesis of those actions was rooted in an 1871 decision to stop making treaties with tribes. This began a new phase of Indian policy. The dissolution of the treaty making process was achieved by a rider that was attached to a standard OIA

³²⁵ For more on the reformers behind these assimilations policies see Cathleen Cahill, *Federal Fathers and Mothers: A Social History of the United States Indian Service, 1869-1933 (First Peoples: New Directions in Indigenous Studies)* (The University of North Carolina Press, 2011), 23–33; Francis Paul Prucha, *Americanizing the American Indian: Writings by the “Friends of the Indian,” 1880-1900* (Harvard University Press, 1973).

appropriations bill that was designed to allow the department to continue funding existing annuity agreements. The rider mandated the end of treating with tribes by stipulating that “hereafter no Indian nation or tribe within the territory of the United States shall be acknowledged or recognized as an independent nation, tribe, or power with whom the United States may contract by treaty.”³²⁶ The adoption of the bill did not nullify treaties made with tribes in the past, but in refusing to recognize the independence of tribes as separate nations the rider did adversely affect the ideal of tribal sovereignty. The change meant that the President no longer had the luxury of negotiating treaties directly with the tribes, so the process became a larger legislative issue that was impacted by Congressional actors and agendas.³²⁷ Next, a powerful group of constituents pressured their representatives to open Indian lands to settlement. The sentiment that non-Indians should be allowed to move into Indian Territory reached its zenith in the 1880s, and the political machine accelerated the opening of those lands by an unprecedented amount. Indian policy, yet again, became a vehicle to enact change that favored non-Indians.

The monumental piece of legislation of this new era that shaped Native American land tenure was the General Allotment (or Dawes) Act, passed by Congress in 1887. The act was named for Senator Henry L. Dawes, the principal congressional sponsor for the legislation. Dawes was the chairman of the Senate Committee on Indian Affairs, and a regular attendee at the Lake Mohonk Conference for the Friends of the Indian.³²⁸ Like the allotment treaties the Citizen Potawatomi and other tribes entered into in the 1860s, the legislation of the 1880s authorized the federal government to survey tribal lands with

³²⁶ “Indian Appropriations Act,” March 3, 1871. *U.S. Statues at Large*, 16:566.

³²⁷ For a quantitative analysis of the impact of ending U.S. treaty-making with Native Americans see Arthur Spirling, “US Treaty-making with American Indians: Institutional Change and Relative Power, 1784-1911,” *American Journal of Political Science* 56, no. 1 (2011): 84–97.

³²⁸ Cahill, *Federal Fathers and Mothers*, 41. The Lake Mohonk Conference was an annual collaborative meeting between various organizations that advocated for social reform and programming to assist Native Americans. Most of these individuals were avid supporters of assimilation policies.

the intention of dividing them into plots that would then be allotted to individual Indians in severalty. With the end of treaty making, Congress passed the Dawes Act to grant themselves the jurisdiction to extend allotment to many tribes, without having to negotiate specifics with each nation.

The Dawes Act, however, had an added safeguard that the allotment treaties of the 1860s did not include. It was stipulated that the federal government would hold tribal lands in trust for twenty-five years before such lands could be sold to outsiders.³²⁹ The high likelihood of tribal members being swindled out of their property, or selling at below market value when they needed money, was a lesson the federal government learned from the difficulties experienced by the Citizen Potawatomi and other tribes allotted in Kansas twenty-five years earlier. Yet, just as the federal government believe they had corrected the problem, so too had settlers who simply circumvented the twenty-five year trust period imposed by the Dawes Act, many non-Indian settlers simply leased large tracts of Native American land.

The assimilationist goal of the law was to end communal land holdings, turn Indians into farmers, and dissolve the tenants of tribal governance by making Native Americans citizens, thereby obligated to follow the laws of the United States.³³⁰ Individuals who accepted land allotments in severalty under the Dawes Act, lived apart from their tribe, and “adopted the habits of civilized life” were made U.S. citizens.³³¹ All allottees under the act were “subject to the laws, both civil and criminal, of the State or

³²⁹ Charles Joseph Kappler, *Indian Affairs: Laws and Treaties*, vol. I (Washington, D.C.: Government Printing Office, 1904), 33–36.

³³⁰ A congressional committee, the United States House Committee on Territories, advocated for land allotments in Indian Territory to prepare that area for annexation as an official territory. For more on this committee see Tim Lindberg, “Congress and American Political Development: Territorial Policy and the House Committee on Territories” (presented at the American Political Science Association Annual Meeting, New Orleans, 2012).

³³¹ Kappler, *Indian Affairs: Laws and Treaties*, I:33–36. The Citizen Potawatomi were not subject to the citizenship clause of the Dawes Act since all of them had signed naturalization papers.

Territory in which they may reside.”³³² Forty-seven million acres of land were allotted through the Dawes Act.

The Indian Appropriations Act of March 2, 1889 was a formulaic piece of legislation that had sweeping repercussions for the Native Americans in Indian Territory and throughout the country. There were two key elements of this act, the creation of the Cherokee Commission and the Springer Amendment. Section XIV of the act provided for establishing the Cherokee (or Jerome) Commission. The Commission’s mandate was to acquire the unoccupied lands of the Cherokee Outlet and the “surplus” lands of several other tribes in Indian Territory. During the four year term of the Commission, from 1889 to 1893, they arranged eleven cession agreements with nineteen different Oklahoma tribes to purchase more than fifteen million acres of land.³³³ Almost all of the land acquired by the Commission was made available to non-Indian settlers by 1900 and was vital in the effort to create the state of Oklahoma.

The Springer Amendment, also attached to the Indian Appropriation Act of 1889, was a key piece of legislation for the would-be farmers who wanted to see Indian Territory opened to non-Indian settlement and annexed as a territory. The amendment, named for its author, Congressman William Springer of Illinois, opened the almost two million acres known as the Unassigned Lands that lay west of the Citizen Potawatomi reservation to non-Indian settlers under the rules of the Homestead Act.³³⁴ President

³³² “General Land Allotment Act,” February 8, 1887, *U.S. Statutes at Large*, 24: 388-391.

³³³ Hagan, *Taking Indian Lands*, ix; Berlin B. Chapman, “The Cherokee Commission, 1889-1893,” *Indiana Magazine of History* 42, no. 2 (June 1, 1946): 177. The Cherokee Commission was comprised of David H. Jerome of Michigan, Warren G. Sayer of Indiana, and Alfred M. Wilson of Arkansas. This commission was only tasked to work with the tribes in Oklahoma. More than a dozen similar commissions were organized all over the West to arrange land cessions with other tribes.

³³⁴ Kappler, *Indian Affairs: Laws and Treaties*, I:340.; Arrell Morgan Gibson, *The History of Oklahoma* (University of Oklahoma Press, 1984), 98; Wicks, “The Opening of Oklahoma,” 462.

Benjamin Harrison then issued a proclamation that set the date of April 22, 1889 for settlers to make legal entry into that territory and claim land.

THE LAND RUNS AND THE OPENING OF INDIAN TERRITORY

The chosen method of distribution was a land run. The federal government's decision to open the land of this region which, from its inception, lay outside the norm, was vividly described by Hamilton S. Wicks, a participant of the first land run. He awed that "[a] city established and populated in half a day, in a remote region of the country and many miles distant from the nearest civilized community, is a marvel that could have been possible in no age but our own, and in no land except the United States."³³⁵ For the non-Indian settlers who hoped to claim a homestead through the land run, the event was a fantastic opportunity and marked a beginning full of promise. For the Native Americans that were moved to these lands and told to create homes for themselves and their families, this was another reminder that the federal government would always accommodate the wishes of land-hungry Americans over the promises made to tribes.

In the weeks before the late April run, government surveyors divided the area of the Unassigned Lands into townsites and one hundred and sixty acre homestead plots. On that spring day in 1889 more than fifty thousand people "seized with the Oklahoma fever" showed up to claim a piece of land in this "new Eldorado."³³⁶ At high noon a bugle blast signaled the start of the race and "wagons and carriages and buggies and prairie schooners and a whole congregation of curious equipages joined in this unparalleled race, where every starter was bound to win a prize – the 'Realization Stakes' of home and prosperity."³³⁷ Hamilton S. Wicks joined the land run in hopes of claiming

³³⁵ Ibid., 460.

³³⁶ Ibid.

³³⁷ Ibid., 465.

a townsite plot where he could establish a business. He ultimately staked his claim on what became a main thoroughfare of Guthrie (the first capital of Oklahoma.) He recounted the furious effort to create a tent by standing his folding cot on its end and draping it with blankets. This effort made his claim “unjumpable because of substantial improvements.” Because the Springer Amendment made no provisions for a code of law or regulations for local governments, the only existing authority in the region was that of the tribes, along with the vague and grossly inadequate systems of law that regulated unorganized territories.³³⁸ For months the bustling new towns and scattered homesteads were on the verge of lawless chaos; regular disputes erupted legitimacy of land claims.

By April 23, 1889, the day after the land run, the settlement that would be Guthrie was a city of ten thousand people and five hundred tent dwellings.³³⁹ This was the first of seven land runs in the territory, and they all unfolded in a very similar fashion.³⁴⁰ The remaining land runs were made possible by the cession agreements the Cherokee Commission negotiated with various tribes in Indian Territory. On September 22, 1891, the “surplus” lands on the Potawatomi, Iowa, and Sac and Fox reservations were opened. On that day more than twenty thousand people rushed to claim one of the seven thousand available one hundred and sixty acre parcels.³⁴¹ The tracts immediately came under the administrative control of Oklahoma Territory.³⁴²

³³⁸ John Bartlett Meserve, “The Governors of Oklahoma Territory,” *The Chronicles of Oklahoma* 20, no. 3 (1942): 218.

³³⁹ Wicks, 467-468.

³⁴⁰ Fixico, *Bureau of Indian Affairs*, 94; Gibson, *The History of Oklahoma*, 100.

³⁴¹ The 1,120,000 acres opened that day were available for \$1.25 per acre. The county was originally called County “B,” but in November of 1892 the citizens of the county voted to rename it Pottawatomie County after the tribe.

Mooney, *Localized History of Pottawatomie County, Oklahoma to 1907*, 3, 7.

³⁴² Burton, *Indian Territory and the United States, 1866-1906*, 169.

The federal government acted rashly with the opening of the Unassigned Lands in 1889, because there was not a territorial government, nor was one in the planning stages. This was remedied on May 2, 1890, when Congress passed the Oklahoma Organic Act. The law officially created two distinct regions, Oklahoma Territory and Indian Territory, out of the previously unorganized Indian Territory.³⁴³ It established the structure for a basic government, including a territorial governor and three district court judges, who were appointed by the President. The residents of the territory were to elect a bi-cameral legislature and a territorial representative to Congress.³⁴⁴ The act also extended civil and criminal laws from surrounding states. Arkansas courts had jurisdiction in Indian Territory and the laws of Nebraska applied to Oklahoma Territory until the territory adopted a code of law.³⁴⁵ In an attempt to encourage Native Americans to accept land allotments, the Organic Act also stipulated that “Indians who become citizens of the United States under the provisions of the act do not forfeit or lose any rights or privileges that they enjoy or are entitled to as members of the tribe or nation who which they belong.”³⁴⁶

Although it was different from Indian Territory by name, both the Oklahoma and Indian Territories contained Indian reservations. Indian Territory encompassed all of the Five Nations and several smaller tribes in the northeast corner of the future state of Oklahoma. Oklahoma Territory consisted of all of the Unassigned Lands in the west, the Cherokee Outlet, and the reservations of several other tribes, including the Citizen

³⁴³ Kappler, *Indian Affairs: Laws and Treaties*, I:45–54. An organic act is a nondescript term for a statute used by Congress to describe and demarcate a territory in anticipation of that territory becoming a state.

³⁴⁴ Gibson, *The History of Oklahoma*, 101–103. The territorial government officially began when Governor George W. Steele arrived in Guthrie.

³⁴⁵ *Ibid.*, 101–102.

³⁴⁶ Kappler, *Indian Affairs: Laws and Treaties*, I:45–54.

Potawatomi. The border between the two territories ran along the Citizen Potawatomi's eastern and southern borders.

CONCLUSION

The land in Indian Territory was methodically sectioned off and distributed to individuals at the cost of their tribal affiliation. The remainder was regulated and organized into a patchwork of ever-expanding, white-friendly settlements. Ultimately, the Citizen Potawatomi and other tribes of Indian Territory found themselves in a sadly ironic situation. The insatiable American appetite for expansion enveloped the Indians of Indian Territory in the very state removal was supposed to avoid, stripping them of their homeland, culture, and sovereignty while still forcing them to exist in close quarters with other non-Indians.

During this period and the years following, the Citizen Potawatomi learned, by necessity, how to use the federal system to fight for their treaty-guaranteed rights. They diligently petitioned the OIA regarding their rights to have ownership and command over their reservation lands. What began as simple questioning evolved into the utilization of shrewd tactics aimed at forcing the federal government to recognize the legitimacy of their claims.

Chapter 5: Starting Over in Indian Territory:

The Citizen Potawatomi's Struggle to Realize their Rights

In 1889, Citizen Potawatomi tribal member, Mary (Anderson) Bourbonnais wrote a letter of petition to Commissioner of Indian Affairs Thomas J. Morgan. In the letter she demanded that the Citizen Potawatomi receive rights equal to those of the Absentee Shawnee when selecting allotment plots on the reservation the two tribes jointly occupied. Bourbonnais was among the first Citizen Potawatomi to move to Indian Territory from their reservation in Kansas in 1872. Her family and other members of the tribe wanted the right to claim land in the most desirable section of their reservation, the arable lands north of the Little River. At the time of the letter, the Absentee Shawnee were allowed to choose lands in that section, while the Citizen Potawatomi were relegated to the less fertile land in the southern half. Bourbonnais went on to accuse the allotting agent, N.S. Porter, of granting land on the Citizen Potawatomi reservation to Cherokee, Creek, Mexicans, and “state negroes,” but refusing to give tracts to “old Pottawatomie settlers.”³⁴⁷ Believing that Indians had to understand the treaties and laws that governed their lives, Bourbonnais demanded to know by what law, and under what authority, the agent was making the questioned allotments.³⁴⁸

Always a passionate supporter of the rights of Citizen Potawatomi women and their children, she argued that Citizen Potawatomi children should receive allotments of more than forty acres each since they would need the land to support families one day. To persuade the Commissioner to grant her requests, Bourbonnais asked Commissioner

³⁴⁷ Special Cases, compiled 1880-1907, documenting 1821-1907, box 133, Mary Bourbonnais to Secretary of the Interior, July 10, 1889, RG 75, NA. I will use the spelling “Potawatomi” when referring to the tribe, because that is the universal spelling adopted by the bands of Potawatomi in the modern era.

³⁴⁸ Mary Bourbonnais’ brothers, John and Pete Anderson, would eventually hire an attorney and successfully argue for their right to select land anywhere on the reservation they desired under the allotment law they chose.

Morgan to do what was honorable “before man and our God” and ended the letter by begging him to “right a wrong for helpless women and children.”³⁴⁹

Mary Bourbonnais was far from “helpless.” She was one of many tribal members who were outspoken advocates for the rights of the tribe in the late nineteenth century.³⁵⁰ By 1889, when this letter was written, the Citizen Potawatomi in Indian Territory understood that they would have to fight to receive the rights to which they were entitled, or to attain redress for any of their concerns. This particular petition addresses many of the fears and issues that the Citizen Potawatomi faced during their first two decades in Indian Territory. The period from tribal members’ earliest arrivals in 1872, until their reservation was opened to non-Indian settlement through a land run in 1891, was a trying time. These years were filled with confusion and frustration for the Citizen Potawatomi, because of uncertainty and unclear directions from the OIA; ultimately resulting in unprecedented political activism to see their right recognized by the federal government.

The Citizen Potawatomi’s legal status as Indians who were U.S. citizens was still uncommon.³⁵¹ Some federal officials questioned their right to move to Indian Territory, much less claim land there. This liminal status as “quasi-citizens” also meant that the Citizen Potawatomi were not assigned to an Indian agency, the primary conduit for complaints or concerns, for the first five years in the territory.³⁵² To further complicate the matter, because of the federal government’s failure to work out all of the details over

³⁴⁹ Special Cases, compiled 1880-1907, documenting 1821-1907, box 133, Mary Bourbonnais to Secretary of the Interior, July 10, 1889, RG 75, NA. Mary Bourbonnais included a list of Potawatomi women who supported the petition along with the number and ages of their children.

³⁵⁰ In the tribe’s first twenty years in Indian Territory Citizen Potawatomi tribal members flooded their agent and other officials in the OIA with letters of petition and complaint. A few of the most prolific petitioners, beyond Mary Bourbonnais, were John Anderson, Pete Anderson, David Laughton, Anthony Navarre, Alex B. Peltier, and others.

³⁵¹ Most of the Citizen Potawatomi became U.S. citizens from 1869 to 1871.

³⁵² *S. Doc. No. 64*, 51st Cong. 2nd Sess. (1891), 10. By not assigning them to an agency, the OIA was perpetuating the idea that the Citizen Potawatomi had given up their political status as Native Americans.

land tenure in the new reservation in Indian Territory, the Citizen Potawatomi became embroiled in a legal and social struggle with the Absentee Shawnee over land that persisted for more than a century beyond the scope of this study.³⁵³ Despite the challenge to obtain fertile land and make a place for themselves among existing tribes in the area, the Citizen Potawatomi managed to establish a strong community in Indian Territory.

This chapter will explore all of these topics: the Citizen Potawatomi's efforts to define, and in some cases manipulate, their legal status; the tribe's insistence on attaining equal property rights for women of the tribe, and their legal struggle to secure the most favorable land terms possible. In 1867 the Citizen Potawatomi were dispossessed members of a legally dissolved tribe who had no clear rights afforded to them as either Native Americans or U.S. citizens. By 1891 the Citizen Potawatomi were an organized Indian tribe whose members still had technical, if not applicable U.S. citizenship that they utilized to claim the most favorable allotment conditions possible. This transition did not take place without significant effort.

LEAVING KANSAS: A GRADUAL MIGRATION TO A NEW HOMELAND

By the end of the 1860s, most of the officials in the OIA realized that their grand social experiment of assimilation through private land ownership and U.S. citizenship was largely a failure among the Citizen Potawatomi. Making a Native American a landowner and citizen in name did not translate into the individual's success or assimilation as a farmer in practice. The federal government's efforts were not a total loss, however, because their attempts to acculturate Indians often delivered the political

³⁵³ The Absentee Shawnee tribe received its moniker because it was comprised of several bands of Shawnee who had migrated into the areas of the Louisiana Purchase and Indian Territory, living separately from their Shawnee kinsmen. Today they are one of three federally recognized tribes of Shawnee in Oklahoma, along with the Eastern Shawnee Tribe of Oklahoma and the Shawnee Tribe (sometimes called the Loyal Shawnee.)

and economic results desired by non-Indians, regardless of the Native American's success. Kansas was a thriving young state and railroad companies and non-Indian settlers took possession of a significant amount of the Potawatomi's former land holdings. A small percentage of the Citizen Potawatomi succeeded as independent farmers and businessmen and thrived in their new conditions. Far more, however, were quickly engulfed by adverse conditions and outside pressures from non-Indian settlers and corporate interests who desired their land and wanted them out of Kansas.

Different opinions existed about why many of the Citizen Potawatomi did not flourish under allotment and U.S. citizenship. The Potawatomi's agent, Luther Palmer, initially saw no fault on his part, or in the actions and inaction of the federal government, when he reported on their condition in 1866. He solely blamed the Citizen Potawatomi who failed to become successful farmers in Kansas for their own plight, declaring that they were in a condition of landlessness and poverty because as soon as they came into possession of money, or property that they could sell they spent everything they had buying items for their pleasure. Palmer further opined that the average Potawatomi was doomed for failure because he "never seem[ed] to reflect that his means may become exhausted until his last dollar is gone." The agent offered no further explanation for this supposed behavior on the part of the Citizen Potawatomi, beyond his assertion that "[i]mprovidence is the peculiar characteristic of the real Indian."³⁵⁴ In his opinion it was the Citizen Potawatomi's innate "Indian-ness" that doomed them to a life of poverty and want.³⁵⁵

³⁵⁴ RCIA, 1866, 264.

³⁵⁵ For more on preconceived notions and stereotypes about Native Americans, see Philip J. Deloria, *Indians in Unexpected Places* (University Press of Kansas, 2006) and Paige Raibmon, *Authentic Indians: Episodes of Encounter from the Late-Nineteenth-Century Northwest Coast* (Duke University Press Books, 2005). The term "Indian-ness" is common in the historiography of Native American history. A thorough definition of "Indian-ness" is given in the introduction to Francis Paul Prucha, *Americanizing the American Indian: Writings by the "Friends of the Indian," 1880-1900* (Harvard University Press, 1973) 7-8, in which

The Indian Agent who succeeded Luther Palmer in 1869, Joel H. Morris, was less disparaging of the Citizen Potawatomi's character. He acknowledged that some Citizen Potawatomi were "proving themselves worthy of the high trust reposed in them by the Government by earnestly devoting their energies to building thrifty, happy homes." Yet, many of the Citizen Potawatomi were desperate to move to Indian Territory after the failure of the assimilation policies of allotment and U.S. citizenship, "finding that in their individual cases it was premature."³⁵⁶ The sentiment that the Citizen Potawatomi were simply ill-prepared was echoed four years later when the Potawatomi's new agent, M.H. Newlin, asserted that the Prairie Band made a wise choice by not taking on U.S. citizenship, claiming that Native Americans, like the Citizen Potawatomi "should not be clothed with such privileges until they have reached a stage of civilization fitting them for the responsibilities attending the privileges."³⁵⁷ In short, Newlin believed that the Potawatomi had not earned enough to justify their citizenship.

Superintendent of Indian Affairs, Enoch Hoag, was not so quick to judge the Citizen Potawatomi for their poverty. He commented that, while a few of the Potawatomi who took allotments and citizenship prospered, a far larger number had "retrograded into intemperance and poverty." He recognized the almost impossible conditions they faced and shifted some of the blame to non-Indian settlers and the federal government that allowed them to move into Kansas by warning that "the policy of allowing Indians to become citizens in the midst of white people is ruinous" and suggested that the policy should no longer be pursued because dishonest white men

he states, "All [reform policies] were aimed to destroy Indian-ness, in whatever form it persisted. The aim was to do away with tribalism, with communal ownership of land, with the segregation of the Indians on reservations, . . . segregated from the association with good white citizens, with Indian cultural patterns, with native languages, with Indian religious rites and practices – in short, with anything that deviated from the norms of civilization practiced and proclaimed by the white reformers themselves."

³⁵⁶ RCIA, 1870, 275-276

³⁵⁷ RCIA, 1874, 217.

“cling to [Indians] like leeches, until they have possessed themselves of all their property.”³⁵⁸ Even agent Palmer, the most critical of all of the agents who served the Potawatomi in the 1860s, seemed to have had a change of opinion about the Citizen Potawatomi’s role in their desperate condition by the end of his tenure. In 1869 he directly chastised the federal government, reporting that “I have no doubt if the stipulations of the treaty had been strictly observed on the part of the government, we would have had among the Pottowatomies to-day some as independent farmers and as good citizens as we have in the State.”³⁵⁹ Palmer thus drew attention to the OIA’s failure to follow its own safeguards and its responsibility for the dire conditions facing large numbers of the Citizen Potawatomi.

There was a sentiment of culpability on the part of the federal government behind most of these statements. When only a few Citizen Potawatomi managed to succeed government officials blamed the Potawatomi’s inherent “Indian-ness” for those who failed to make the transition to agriculturalists. Such rationalization made it easy to ignore the mismanagement of the assimilation effort by the federal government, and the onslaught of corporations and non-Indian settlers pushing for access to Citizen Potawatomi land. The Citizen Potawatomi were pressured into a legal arrangement of landownership and U.S. citizenship. Safeguards, like delayed taxation and conditional U.S. citizenship based on personal and financial success, were intended to make the process a gradual one and supposedly took into consideration an individual’s preparedness. The officials who worked for the OIA knowingly ignored those

³⁵⁸ RCIA, 1870, 460.

³⁵⁹ RCIA, 1869, 373.

safeguards.³⁶⁰ Regardless of who was to blame, a large percentage of the Citizen Potawatomi ended up in a general state of landlessness, despair, and poverty by the late 1860s.

These forlorn Citizen Potawatomi refused to succumb to their circumstances and chose to avail themselves of a clause in the 1861 allotment and citizenship treaty that allowed them to buy a new reservation in Indian Territory and move away from Kansas.³⁶¹ The article stipulated that it was the duty of the Secretary of the Interior to appraise and sell any available lands that were assigned to a band of Potawatomi “if at any time hereafter any band or bands of the Pottawatomie Nation shall desire to remove from the homes provided for them in this treaty.”³⁶² Any proceeds from the sale of Potawatomi lands in Kansas were meant to be used to purchase new lands for those individuals.

Ironically, OIA officials included the article as an “escape clause” for the Prairie Band because they assumed (and hoped) the band would yield to the pressures of living among non-Indians and “disappear before the tide of civilization,” opening more land for settlement.³⁶³ The government’s logic behind having an exit strategy in place was that it would save the Citizen Potawatomi from being tethered to their less “civilized” kinsmen and allow them to succeed in close proximity to non-Indian society.³⁶⁴ It likely never

³⁶⁰ Even if individuals within the OIA had a change of heart and found fault with the department, the OIA returned to the assertion that the Citizen Potawatomi brought failure and landlessness on themselves when it served to vindicate the OIA actions.

³⁶¹ Kappler, *Indian Affairs: Laws and Treaties*, II:827.

³⁶² *Ibid.*, 972-973.

³⁶³ Agent Clarke, 1855, OIA-LR, roll 680.

³⁶⁴ Murphy, *Potawatomi of the West*, 252–253. The inclusion of this clause is evidence of the federal government’s commitment the notion that Native Americans who refused to adopt assimilation policies would never survive living among non-Indians.

The Wyandot and Delaware tribes in Kansas entered into treaties with the United State that were similar to the Potawatomi’s 1861 treaty. In those cases the factions of the tribe who became U.S. citizens stayed in Kansas and the non-citizen were removed to Indian Territory.

occurred to the drafters of the treaty of 1861 that the Citizen Potawatomi, who had largely accommodated and even sought out the federal government's assimilation efforts, would be the ones who wanted to escape.

GETTING ESTABLISHED IN A NEW HOME

The provisions for the Citizen Potawatomi's move to Indian Territory were stipulated in a treaty signed on February 27, 1867. Signatories and the OIA agreed that a delegation of Citizen Potawatomi would accompany the Commissioner of Indian Affairs to Indian Territory and select a tract of land, not exceeding thirty miles square. The treaty stipulated that they would buy the reservation with the proceeds from selling their "surplus" lands in Kansas at one dollar per acre to the Atchison, Topeka, and Santa Fe Railroad (after the Leavenworth, Pawnee, and Western Railroad forfeited their right to purchase the land.)³⁶⁵ The treaty included a stipulation that the reservation "shall never be included within the jurisdiction of any State or Territory, unless an Indian Territory shall be organized."³⁶⁶

In the two years following the 1867 treaty, the Potawatomi Indian agent, with the assistance of the Business Committee, was obligated to create a census of who planned to sell their private lands (if they had not already) and move to Indian Territory and those who wanted to stay in Kansas and become U.S. citizens.³⁶⁷ The first Citizen Potawatomi did not become citizens until the following year, 1868, so it was not obvious at the drafting of this treaty that all of the Citizen Potawatomi, even those who planned to move to Indian Territory, would take U.S. citizenship. Once the agent submitted the census to

³⁶⁵ Kappler, *Indian Affairs: Laws and Treaties*, II:970. The Prairie Band were to receive their "pro rata" shares of the proceeds since they did not intend to move and could make no use of the new reservation.

³⁶⁶ *Ibid.*, II:971.

³⁶⁷ U.S. Office of Indian Affairs, Potawatomi Agency, Receipt book, November 14, 1868.

the OIA all restrictions on the sale and alienation of the Citizen Potawatomi's land in Kansas were lifted.³⁶⁸

A strict reading of the 1867 treaty brings to question the Citizen Potawatomi's legal eligibility to become signatories and take advantage of the option to move. As previously mentioned, the escape clause was included for the Prairie Band, who refused to accept the conditions of the treaty of 1861. So, there was no mention or clarification as to whether the Citizen Potawatomi could be subject to the clause. Article I of the 1867 treaty stipulated that the tract would be patented to the "Pottawatomie Nation," the name given to the combined bands when they moved onto the Kansas River reservation in 1846.³⁶⁹ All of the Citizen Potawatomi that acquired the status of U.S. citizens in 1868, and those that took it later, were no longer legally members of an Indian nation because the 1861 treat specifically stated that those who took U.S. citizenship would "cease to be members of said tribe."³⁷⁰ Therefore, their acceptance of U.S. citizenship was directly correlated to their supposed forfeiture of tribal citizenship.

The OIA and the Potawatomi's agents did not anticipate that so many of the Citizen Potawatomi would avail themselves of the opportunity to become U.S. citizens so quickly. The path to citizenship laid out in the 1861 treaty was supposed to be a lengthy process that would protect those who were not ready for the encumbrances of citizenship. Article III of the 1861 treaty dictated that the President could grant U.S. citizenship to individuals who proved to a court that they were "sufficiently intelligent and prudent to control their affairs and interests, that they have adopted the habits of civilized life, and have been able to support, for at least five years, themselves and families." To fulfill

³⁶⁸ Kappler, *Indian Affairs: Laws and Treaties*, II:972.

³⁶⁹ Ibid., II:970.

³⁷⁰ Ibid., II:825.

their obligation of proof, the individual had to “appear in open court in the district court of the United States for the district of Kansas, and make the same proof and take the same oath of allegiance as is provided by law for the naturalization of aliens.”³⁷¹ Thus, alienated members of an Indian nation could supposedly become un-alienated American citizens in charge of their own land as well as their own legal and financial affairs.

By 1866 several hundred tribal members had gone through the process of naturalization and received the patent to their land. The Potawatomi’s agent, Luther Palmer, reported that many more would make application for citizenship that fall, and that there were several tribal members who were “entirely competent to manage their own affairs.”³⁷² Agent Palmer actively encouraged these individuals to pursue U.S. citizenship. Federal officials did not expect, despite their tribal designation, all Citizen Potawatomi would, in short order, become U.S. citizens. Yet for many Citizen Potawatomi, the promise of a cash payment upon accepting U.S. citizenship was great, and they persistently pursued their right to U.S. citizenship without the encouragement of their agent.³⁷³

Even after all of the tribal members completed these prerequisite tasks for removal, there was no mass exodus of Citizen Potawatomi from Kansas. Unlike previous removal the Potawatomi endured, the 1867 treaty agreement did not fund the relocation to Indian Territory. Despite the pressure they were under from non-Indian settlers, the federal government, officials from the state of Kansas, or the deplorable condition of their lives on the reservation, the move was voluntary and to be paid for privately. Many

³⁷¹ Ibid.

³⁷² RCIA, 1866, 264.

³⁷³ As noted in chapter 3, each Citizen Potawatomi who became a U.S. citizen was eligible for their share of the monies owed the tribe. This came out to a direct payment of just over \$600 per person. U.S. Office of Indian Affairs, Potawatomi Agency, Receipt book, November 14, 1868.

of the families were too poor to finance such a move and did not receive the same annuity monies as other Native Americans (because of their quasi-citizen status). The reality was that the poverty that made life on the Kansas reservation difficult also prevented most Citizen Potawatomi from moving to their new reservation to start over.

To complicate matters of citizenship and intertribal politics, many of the destitute Citizen Potawatomi moved onto the reduced acreage of the Prairie Band reservation or onto the property of their extended family until they could procure the funds to make yet another move to yet another designated Indian Territory. Joseph N. Bourassa, a Citizen Potawatomi, reported the tribal members' deplorable condition in a plea to the Prairie Band Potawatomi's Indian agent in 1875 in which he wrote that:

...a majority of the sectionizing Indians are in extreme want. Nothing to feed their families, no money and no land...and many of them wish and intend to move South as soon as they can raise the means...as they see they can no longer live in Kansas. ...The Indians are suffering extremely...It is enough to make any human being cry to witness the suffering there is in many of the families at present. They have no aid from the whites of the State, nor from the general government....³⁷⁴

Joseph N. Bourassa served as an interpreter for many Potawatomi treaties and was well respected in the Citizen Potawatomi community in Kansas. He and several other affluent Citizen Potawatomi decided to stay in Kansas to farm their land and operate flourishing businesses.³⁷⁵ Bourassa's words, therefore, were not self-serving; he was petitioning on behalf of his tribe.

³⁷⁴ J.N. Bourassa to Agent M.H. Newlin, March 10, 1875, OIA-LR, roll 692. The agent was technically only assigned to the Prairie Band in 1875, because the Citizen Potawatomi took U.S. citizenship and were not supposed to be part of an Indian tribe anymore.

³⁷⁵ Joseph Napoleon Bourassa was one of the wealthier Citizen Potawatomi who chose to stay in Kansas. He died near Rossville, KS in 1877. Bourassa, Joseph N. Collection, "The Death of 'Bourassa the Interpreter,'" Citizen Potawatomi Nation Cultural Heritage Center Archives, Shawnee, OK.

Despite the difference in official status between the two groups, the OIA made little distinction between those who were Citizen Potawatomi or Prairie Potawatomi on the census. If an individual was willing to move away from Kansas they were included, and OIA officials hoped that all of the Potawatomi who found it “difficult to manage their affairs and sustain themselves in contact with whites” would choose to “throw up their allotments and follow their friends to their new homes.”³⁷⁶ Given that structures were in place that made it difficult for Indians to make the transition to surviving as small farmers, it seems a powerful cohort of politicians, corporate agents and residents of Kansas wanted almost all Indians to leave the state.³⁷⁷

This systematic dispossession of Indians from their land took a psychological toll on the Potawatomi. Luther Palmer, the Potawatomi’s Indian agent, reported in 1868 that in the months following the negotiation of the treaty of 1867, some of the Citizen Potawatomi became “restive” and “[f]ell into vicious and dissipated habits, as a result of the state of uncertainty” since they had determined to move to Indian Territory.³⁷⁸ The Citizen Potawatomi were not sure when they would move, but with the knowledge that their time in Kansas was limited, most of these individuals (the few who could afford to do so) did not attempt to put crops in the ground or further improve their living conditions. The rest were living in temporary homes on the Prairie Band’s reservation. All were in a state of limbo and growing restless. A few members of the Citizen Band rallied and tried to better their situation.

³⁷⁶ RCIA, 1866, 264.

³⁷⁷ There are a few people listed as Prairie Band on the names of the Potawatomi on the reservation in Indian Territory in 1887. They were all spouses of Citizen Potawatomi. Census Rolls Collection, Citizen Potawatomi Nation Cultural Heritage Center Archives, “1887 Citizen Band Land Allotment Roll.”

³⁷⁸ RCIA, 1868, 264. In this same letter Agent Palmer reported that many of the Prairie Potawatomi were desirous to acquire a new reservation in Indian Territory so that they could move away from Kansas. Almost every Prairie Potawatomi stayed in Kansas, so Palmer’s claim likely reflects his personal hopes or his desire to appease his superiors in the OIA.

In the winter 1868 a group of Citizen Potawatomi made a failed attempt to travel to Indian Territory to select a new reservation. The water was too high and roads were impassable. The Prairie Band, as a whole, still refused to remove from Kansas, but the Superintendent hoped that “when their brethren of the citizen class remove they will be induced to follow.”³⁷⁹ The following winter, in 1869, another party of Citizen Potawatomi traveled to Indian Territory and selected a tract of land that became the site of the Citizen Potawatomi reservation.³⁸⁰ They chose a section of land that encompassed thirty square miles from the north fork of the Canadian River to the south fork. The eastward flowing Little River, which was little more than a creek, divided the reservation almost evenly in half. The land lay just west of the Seminole reservation and had an eastern boundary at the Indian Meridian.³⁸¹ Once the Citizen Potawatomi selected land for the new reservation they could begin the process of settling their affairs in Kansas and relocating to the Indian Territory.

³⁷⁹ RCIA, 1869, 358.

³⁸⁰ The selection of the plot was approved by the Secretary of the Interior on November 9, 1870. Agent Joel H. Morris to Superintendent of Indian Affairs Enoch Hoag, September 1, 1870; *S. Doc. No. 64*, 51st Cong. 2nd Sess. (1891), 3.

³⁸¹ The Indian Meridian is a survey line that runs twelve miles west of the 97th Meridian. It was established as a survey line in the 1866 treaties with the Choctaw and Chickasaw. Berlin B. Chapman, “Indian Meridian, Report of the Commissioner of the General Land Office for the Year 1871,” 1967, Research Division, Oklahoma Historical Society.

Sac and Fox Reserve 479667 Acres, *Treaty Feb. 18. 1867*, Vol. 15, p. 495. Sac and Fox Agency
Seminole : 200000 : : *March 21. 1866*, Vol. 14, p. 755. Union
Pottawatomie : 575877 : : *Feb. 17. 1867*, Vol. 15, p. 531. Sac and Fox
Act of Congress May 23. 1872, Vol. 17, p. 159

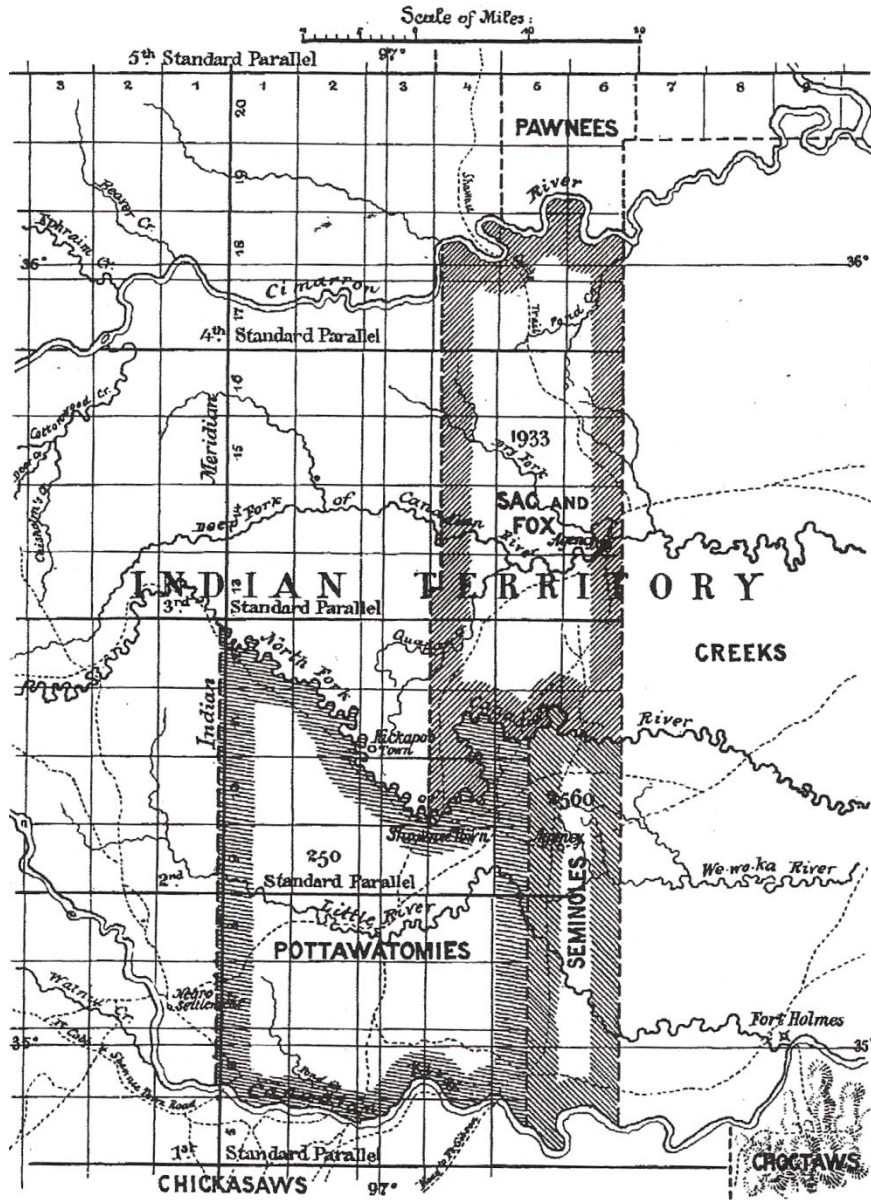


Figure 3: Sac and Fox Agency in Indian Territory, 1879 (Annual Report to the Commissioner of Indian Affairs, 1879.)

The earliest families to make the journey to their new reserve arrived in Indian Territory in 1872. Since they paid for the move themselves, these families were among the more affluent Potawatomi families who were able to move from Kansas and included members of the Anderson, Melot, Clardy, Pettifer, Bergeron, and Toupin families.³⁸² An Anderson family history notes that the Citizen Potawatomi brothers, John and Pete Anderson, had land holding in Kansas valued at \$2,000. Records don't indicate whether the brothers sold their allotments in Kansas, or lost them through fraud.³⁸³ Yet, the fact that they were able to finance their emigration to Indian Territory suggests that they sold at least a portion of their land and that the sale of land generated enough money that the two men and their families were able to afford the journey from Kansas to Indian Territory. They were not alone.

Fourteen wagons filled with supplies and eager, yet anxious, Citizen Potawatomi set out for their new homes in Indian Territory with little idea about what they would encounter and how they would succeed in supporting their families.³⁸⁴ The obvious challenges of living in a state that was hostile to its Indian population, like Kansas was, induced some to move. It also motivated them to stick together in their new homes. Most of these earliest arrivals settled together in a small community they called Pleasant Prairie

³⁸² Some prosperous families, like those of Joseph Napoleon Bourassa and Lewis Vieux, chose to stay in Kansas where they had established homes, farms and businesses. Others, like those listed above, chose to move to Indian Territory as soon as they could to take advantage of the opportunities they believed could be available on their new reservation. The availability of capital allowed these families to choose which scenario was best for them. For the less affluent Citizen Potawatomi the decision to stay in Kansas or move south was often determined by what they could manage financially.

³⁸³ Anderson Collection, Citizen Potawatomi Nation Cultural Heritage Center Archives, Documents Hist131.

³⁸⁴ Charles W. Mooney, *Localized History of Pottawatomie County, Oklahoma to 1907*, 1971, 6, 44. Seven families made the initial move together. The Bergeron and Toupin family names are sometimes spelled Burjon and Toupain respectively.

near the center of the reservation.³⁸⁵ By the end of the year the population of the budding community was a mere twenty-eight people.³⁸⁶ It was not immediately obvious to these early emigrants or to the hundreds of Citizen Potawatomi who followed in their wake that they would soon face fierce challenges to their land tenure, their individual rights, and even their identity as Native Americans, though given their past experiences, many could have guessed that the transition to a new land would not be an easy one. Their first major challenge would be a fight to determine their rights as members of two separate populations: the US and their tribal nation.

POTAWATOMI CITIZENS?

The first obstacle they faced had to do with their legal status. In his 1871 report to the Superintendent, the Potawatomi's Indian Agent in Kansas, J.H. Morris, noted that the Citizen Potawatomi received notice from the OIA that, "being citizens of the United States," they were not legally eligible to enter into the treaty of 1867 and could not avail themselves of the option to move to the new reservation in Indian Territory because the land "should never be sold to any but Indians."³⁸⁷ This was a stunning development for the Citizen Potawatomi and their agent since the Senate ratified the treaty of 1867 and proclaimed it legal in the summer of 1868. At that time, the agent went on to give his opinion that the Citizen Potawatomi who wanted to move south should be reassured that they could claim and settle the land. He reiterated his opinion that he still considered them Indians and thought the OIA should too by asserting that "*these Indians* are looking

³⁸⁵ Ibid., 44.

³⁸⁶ Anderson Collection, Citizen Potawatomi Nation Cultural Heritage Center Archives, Documents Hist132. The town was known as Pleasant Prairie until 1881, when the name changed to Wagoza.

³⁸⁷ RCIA, 1871, 496. A Senate report on the proceedings, submitted in 1891, states that the Secretary of the Interior made the declaration regarding the Citizen Potawatomi's ineligibility on March 16, 1872. *S. Doc. No. 64*, 51st Cong. 2nd Sess. (1891), 3.

forward with anxiety to see this question settled.”³⁸⁸ In short, at least this agent believed that the Potawatomi had not given up their identity as Indians even as they became American citizens.

Morris’ report, and his forceful rebuttal to the Superintendent, calls attention to the lack of clarity, and drastically varying opinions, within the OIA about the Citizen Potawatomi’s legal status. Some of this contradiction can be explained as a natural result of the confusion that accompanies a transition from one administration to the next. New presidents, Secretaries of the Interior, Commissioners of Indian Affairs, and other officials in control of the nation’s Indian policy came into office with own their interpretation of relationships with Native Americans and individual tribes.

A contradictory approach to the Citizen Potawatomi’s citizenship status dominated their existence in Indian Territory until the end of the 1880s.³⁸⁹ The federal government’s ability to ignore or enforce the Citizen Potawatomi’s U.S. citizenship is evidence that an individual’s legal personhood does not always safeguard their actual equality in society nor does it assure their civil liberties. It was in these years that it became apparent that government agents and other non-Indians found it almost impossible to accept the idea that Indians could be members of two separate political bodies.

When it was more convenient for them, the federal government was willing to disregard the Citizen Potawatomi’s U.S. citizenship, which was contingent on their “ceasing to be members” of their tribe.³⁹⁰ Organizing the Citizen Potawatomi’s move out

³⁸⁸ RCIA, 1871, 496. Italics added. By March 3, 1871, all 1,518 Citizen Potawatomi had become U.S. citizens. Peter R. Hacker, “Confusion and Conflict: A Study of Atypical Responses to Nineteenth Century Federal Indian Policies by the Citizen Band Potawatomis,” *American Indian Culture and Research Journal* 13, no. 1 (1989): 83.

³⁸⁹ For a critique of the politics of tribal recognition and ideologies that dictate cultural authenticity see Barker, *Native Acts*.

³⁹⁰ Kappler, *Indian Affairs: Laws and Treaties*, II:825.

of Kansas and onto a reservation in Indian Territory required the use of the “escape clause” in the treaty of 1861, as well as a new treaty to stipulate the terms of their removal. Only Indians could be subject to, or enter into, treaty agreements with the federal government; so, the OIA chose to recognize the Citizen Potawatomi as Native Americans to make both of these scenarios possible.

The decision did not come without its detractors. The Commissioner of Indian Affairs reported to the Secretary of the Interior in 1872, just after a few dozen Citizen Potawatomi moved to their reservation, that the Citizen Potawatomi were living on the land in Indian Territory “without any authority of law for such residence, or any color of title to the soil.” He argued the Citizen Potawatomi had no rights to their reservation because they were United States citizens and “the provisions for such a reservation *to the tribe* failed as a matter of course.”³⁹¹

Denying the Citizen Potawatomi’s eligibility to make use of the “escape clause” in the treaty of 1861 and negotiate the treaty of 1867 proved to be short lived. Despite the protest of the Commissioner and others who did not think the Citizen Potawatomi deserved a second chance in Indian Territory, the 1867 treaty was upheld and they began to migrate south. The Citizen Potawatomi’s struggle to realize the rights they were eligible to receive by treaties and other laws did not end with this episode. When recognizing the Citizen Potawatomi as Native Americans was not in the federal government’s best interest, they often insisted that the Citizen Potawatomi were no longer eligible for the rights and privileges of other Indians. There is perhaps no better example of this than what occurred to the Citizen Potawatomi once they left Kansas. This reversal of opinion occurred once the Citizen Potawatomi were out of Kansas. The

³⁹¹ RCIA, 1872, 89. Italics original to source. The Commissioner also argued that the Absentee Shawnee had no rights to the reservation, but it was not due to a question of their status as Indians, it was because they did not have a treaty assigning them to that tract.

OIA wanted to categorize the emigrant Indians as U.S. citizens again so they could refuse to assign them to an agency, provide them with monetary assistance, and access to benefits like government schools. OIA officials who blamed the Citizen Potawatomi for their general lack of success in Kansas argued that they did not deserve further assistance from the federal government because they were given the opportunity to become land owners and U.S. citizens in Kansas and they “squandered their substance and returned as Indians dependent upon the bounty of the Government.”³⁹²

In 1876, Citizen Potawatomi tribal member George L. Young petitioned the Commissioner of Indian Affairs to give aid to the Citizen Potawatomi. Young stated that non-Indians in Kansas, whose primary aim was to take property, surrounded the Citizen Potawatomi. He claimed that “we were soon stripped of all that we had received in the way of head money and land and left almost in a state of destitution and intemperance.” According to Young, the Citizen Potawatomi moved south to Indian Territory to get away from those negative influences and attempt to create a home for their families. He plead with the Commissioner, “[w]e are poor – in fact, all we have left is our will to do, and the Great Spirit being with us, we feel we are once more men and women. Now, Sir, such being our present condition, cannot you persuade the Government to assist us in this our honest undertaking?”³⁹³ Young’s argument is clear, in his opinion the Citizen Potawatomi had done everything that the government had asked of them and still ended up dispossessed of their land in Kansas and were living in a state of near poverty in Indian Territory. Moreover, he referenced the Great Spirit, not a Christian God, in his

³⁹² RCIA, 1876, xxv. Regardless of the opinions of OIA officials about the Citizen Potawatomi’s worthiness for federal assistance, the reality was that they were in just as much need as most of their neighbors in Indian Territory.

³⁹³ George L. Young to CIA, J.Q. Smith, 6 November 1876, OIA-LR, roll 692. George Young signed as Secretary, thus it can be assumed that he is writing on behalf of the Business Committee. As noted in Chapter 3, Young was not a tribal member by blood; he married into the tribe and served on the Business Committee.

letter perhaps to emphasize that the Potawatomi had not yet been completely assimilated. Young's petition suggests that some Citizen Potawatomi thought that the federal government was going to have to assist the Citizen Potawatomi in their honorable endeavors if they wanted them to have any chance of survival.

From 1873 to 1877 there is little information about the Citizen Potawatomi recorded with the OIA because they received almost no aid, they were not assigned to an agency and therefore had no Indian agent. It was ultimately the persistent petitions of men on the Business Committee, like George Young, and other concerned tribal members that demanded acknowledgment of the band's rights that led to the Citizen Potawatomi receiving \$2,500 in 1875 for a school.³⁹⁴ In 1877 the OIA finally attached the Citizen Potawatomi to the Sac and Fox Agency under the supervision of Levi Woodard. He reported that about two hundred and fifty Citizen Potawatomi resided on the reservation, three years later that number was three hundred.³⁹⁵ By assigning them to an Indian agency the OIA was acknowledging the Citizen Potawatomi's political status as a Native American tribe.

DISPUTED LAND

Besides the ongoing battle with the federal government over their dual legal status as U.S. citizens and Indians, for their first twenty years in Indian Territory the Citizen Potawatomi were also embroiled in an ongoing conflict with the Absentee Shawnee over land. The Citizen Potawatomi could not have known it at the time, but their land selection laid the foundation for generations of conflict and bitter feuding between themselves and the Absentee Shawnee, who resided within the boundaries of the new

³⁹⁴ In 1875, John H. Pickering, agent at the Sac & Fox Agency, was given the funds to build a school for the Citizen Potawatomi on their reservation. RCIA, 1875, 287.

³⁹⁵ RCIA, 1877, 105. Murphy, 306.

Potawatomi reservation.³⁹⁶ Both tribes had strong claims to the land and were determined to see their rights protected and property shielded from encroachment by outsiders, whether other Indians or non-Indians.

The Citizen Potawatomi had a ratified treaty that gave them the right to claim a reservation and established an agreement for them to pay for that land. The treaty of 1867 stated that the Citizen Potawatomi could choose “a suitable location for their people without interfering with the locations made for other Indians” and assured that the reservation would be set aside for the “exclusive use and occupancy” of the Citizen Potawatomi.³⁹⁷ An official from the OIA accompanied them when they chose the technically unclaimed plot that the Absentee Shawnee occupied and it was approved by the Secretary of the Interior. The Citizen Potawatomi could not have walked the entire 576,000 acres of land that would comprise their reservation, and there is no evidence the Citizen Potawatomi had any idea that another tribe occupied the land they chose at the time of their selection. Until 1866 the land legally belonged to the Seminole and Creek tribes, and it was given to the Citizen Potawatomi by the terms of the treaty of 1867, so the Absentee Shawnee had no documentation to support their occupation of the land. The fact that the OIA allowed the Citizen Potawatomi to choose this plot meant that the Absentee Shawnee did not meet the minimum requirement to delineate that land as a “location made for other Indians.”³⁹⁸ The factor that had the most influence in the federal government finding the Citizen Potawatomi’s claim in Indian Territory valid was their present occupation of highly sought after land in Kansas. The federal government and

³⁹⁶ In 1870 Superintendent Enoch Hoag warned that tract selected by the Citizen Potawatomi was already the home to the Absentee Shawnee, but nothing was done to prevent conflict over the territory. RCIA, 1870, 260.

³⁹⁷ Kappler, *Indian Affairs: Laws and Treaties*, II:970.

³⁹⁸ Ibid.

non-Indian residents of the state were eager to rid the area of its Indian population. As far as the OIA was concerned, the details of land ownership between the two tribes could be finalized after the Citizen Potawatomi arrived in Indian Territory. In this case, the status of the Potawatomi was yet again ambiguously defined for the advantage of outside interests.

The Absentee Shawnee occupied and improved the tract selected by the Citizen Potawatomi from 1836 to the 1860s. During the Civil War the Absentee Shawnee were forced to flee north because of their support for the Union, abandoning their land and improvements.³⁹⁹ After the war ended they returned to their homes in Indian Territory and negotiated a treaty with the federal government to have the tract assigned to them as a permanent reservation. Assuming they would soon hold title to the land, the Absentee Shawnee reoccupied their antebellum tracts and began repairing and making further improvements, including tilling land and planting crops. The Senate never ratified the treaty granting the land to them, however, opening the door for the Citizen Potawatomi to select the legally unassigned lands as their reservation in 1869.⁴⁰⁰ The Absentee Shawnee complained bitterly to their Indian agents, who reported the tribe's dissatisfaction in their submissions for the Annual Report of the Commissioner of Indian Affairs throughout the 1880s.

The Absentee Shawnee's primary argument for the validity of their claim on the land between the north and south forks of the Canadian River was their occupation of the land for almost four decades prior to the Citizen Potawatomi's arrival, with the exception

³⁹⁹ Hacker, "Confusion and Conflict: A Study of Atypical Responses to Nineteenth Century Federal Indian Policies by the Citizen Band Potawatomis," 83.

⁴⁰⁰ Ibid. No one told the Citizen Potawatomi that the land was occupied when they visited in 1869 to make their selection, though Superintendent Enoch Hoag did warn that tract selected by the Citizen Potawatomi was already the home to the Absentee Shawnee in the 1870 Annual Report of the Commissioner of Indian Affairs. RCIA, 1870, 255.

of a few years during the war. Also, the federal government set aside the land in Indian Territory for the relocation of Indians and (unlike the Citizen Potawatomi) the Absentee Shawnee's legal status as Indians was not in question at any time. Despite the logic behind the Absentee Shawnee's assertion that the land they lived on belonged to them, the substance and legal validity of the Citizen Potawatomi's claim could not be ignored.

There was no simple solution to this problem. The Citizen Potawatomi were not eager to find another reservation, and as a result of decades of the federal government's removal policies, there was no area in Indian Territory that was vacant of an Indian population. A similar dilemma of contested land claims was likely to arise no matter where the OIA proposed to move them. In an attempt to rectify the conflict between the Citizen Potawatomi and the Absentee Shawnee, the Secretary of the Interior, Columbus Delano, urged Congress to enact legislation that would allow both tribes to reside on the land.⁴⁰¹

In response, on May 23, 1872, Congress passed a law titled, "Act to Provide Homes for the Pottawatomie and Absentee Shawnee Indians in Indian Territory."⁴⁰² In theory, this act solved the most glaring issues facing each tribe's claim. It created a legal path to ownership for the Absentee Shawnee who lived on and improved the land without title for decades. It quieted any concerns about the Citizen Potawatomi's ability to have a reservation in Indian Territory because of their legal status as United States citizens by designating that the Citizen Potawatomi "shall neither acquire nor exercise under the laws of the United States any rights or privileges in said Indian Territory, other than those

⁴⁰¹ Delano to Blaine, March 15, 1872, House Executive Document no. 203, 3-4, cited in *Ibid.*, 83-84.

⁴⁰² *Act to Provide Homes for the Pottawatomie and Absentee Shawnee Indians in Indian Territory, Statutes at Large* 17, sec. 206, 159 (1871-1873).

enjoyed by members of the Indian tribes lawfully residing therein.”⁴⁰³ It further diminished the Citizen Potawatomi’s status as U.S. citizens by providing that “[u]ntil otherwise provided by law such tracts shall be exempt from levy, taxation, or sale.”⁴⁰⁴ The Citizen Potawatomi were now Native Americans who were technically U.S. citizens, but were not subject to taxation.⁴⁰⁵ Though the act clarified some of the more troublesome legal questions about each tribe’s land tenure, it did not remedy the conflict and tension between the two communities.

The Absentee Shawnee were upset over what they felt were severe guidelines and restrictions they faced under the Act of 1872. The provisions of the law only allowed them to claim allotments that were a fraction of the size of those allowed for the Citizen Potawatomi. It stipulated that any Citizen Potawatomi head of family, or adult over the age of twenty-one, could purchase up to one-quarter section (160 acres) of land as their allotment and minors could purchase up to eighty acres. Absentee Shawnee children were only eligible for twenty acres and adults a maximum of eighty acres. This discrepancy in the acreage allocation between the two tribes was likely the result of the treaty of 1867 dictating the Citizen Potawatomi’s allotment conditions. The Absentee Shawnee had no prior allotment agreement. Also, the Citizen Potawatomi had to pay for their allotments and the Absentee Shawnee did not.⁴⁰⁶ The Absentee Shawnee also had

⁴⁰³ Charles J. Kappler, *Indian Affairs: Laws and Treaties*, vol. IV (Washington, D.C.: Government Printing Office, 1929), 947.

⁴⁰⁴ Ibid.

⁴⁰⁵ The Citizen Potawatomi had all taken oaths of citizenship and had naturalization papers on file with the federal government. So, any reversal of their U.S. citizenship was cursory at best. Moreover, the Citizen Potawatomi still professed to be U.S. citizens and used their status as such to push for their rights over the next several decades.

⁴⁰⁶ *S. Doc. No. 64*, 51st Cong. 2nd Sess. (1891), 2. The rationale behind making the Citizen Potawatomi purchase their allotments, but not requiring the same from the Absentee Shawnee is not addressed in the correspondence of the OIA. Federal officials were likely just following standard procedure. It was not a common practice to make Native Americans purchase the land they lived on, and the Citizen Potawatomi did not have to purchase their first allotments in Kansas. So, it was most certainly the Citizen

the added obligation of proving their residency on the reservation for three years and a requirement to have made “substantial improvements” on the plot to ensure they received their selected tract.⁴⁰⁷ The Citizen Potawatomi had neither of these burdens. They received allotments of one hundred and sixty acres for all adults just a decade before in Kansas and they had a treaty permitting them to live on the reservation in Indian Territory. So, it is plausible that the Citizen Potawatomi received more favorable allotment terms because they had the experience to negotiate for them or the OIA believed that they would not accept anything less.

The Absentee Shawnee were also concerned that the Act of 1872 did not delineate a clear boundary between the lands the two groups could claim. Most of the Absentee Shawnee settled in the northeastern portion of the reservation, near the fertile flood plains of the north fork of the Canadian River. They hoped to own the entire northern section as a reservation in common, so they did not want the OIA to allow the Citizen Potawatomi to make any land selections there. In 1887, the acting Commissioner of Indian Affairs reported that his office had recommended the creation of an official reservation division on several occasions, but a line never resulted.⁴⁰⁸ The option of isolating a section for the Absentee Shawnee was not a legally viable option for the OIA, because the Citizen Potawatomi’s 1867 treaty called for a thirty-square-mile reservation. To fulfill this obligation to the Citizen Potawatomi there could not be a legal boundary across the center of the tract. The OIA believed that the lack of a binding separation between the two tribes was a detail that could be addressed by urging the Citizen Potawatomi who moved

Potawatomi’s agreement to pay under the terms of the treaty of 1867 that created the separate allotment terms for the two tribes.

⁴⁰⁷ Ibid.

⁴⁰⁸ Ibid., 4, 9. Commissioner Atkins reported later that year that he believed the mixing of the two tribes would be “advantageous” for the Absentee Shawnee.

to Indian Territory to settle in the southern portion of the reservation.⁴⁰⁹ The Commissioner of Indian Affairs even stated that “while there is no authority of law” for an official division of the land, it was always the “declared intention of this office” that members of each tribe select their allotments in distinct portions of the reservation.⁴¹⁰ The OIA eventually learned that their intention for the Citizen Potawatomi to settle in the southern section of the reservation without the authority of the law was not effective.

Again, uncertainty took its toll. Throughout the 1880s, the Sac and Fox agents filled reports to the Commissioner of Indian Affairs with commentary about the detrimental effect the uncertainty of land rights had on farming and further development by both tribes. The expense and risk deterred many Citizen Potawatomi who were still in Kansas (and who were poor anyway) from undertaking a move to Indian Territory in the 1870s without certainty that they would be able to claim the land they desired. For almost a century these individuals and their ancestors experienced the fear and frustration of seeing virtually every treaty they entered into with the federal government broken; so the Citizen Potawatomi were understandably hesitant to trust promises that they would be allowed to settle.

The frustrations of both tribes are understandable. The Citizen Potawatomi had a ratified treaty that granted them a thirty-square-mile reservation in Indian Territory and they were led to believe that they were purchasing a reservation that would belong to them alone. They took on the personal expense to move their families from Kansas to this new land in Indian Territory with the promise that they could live there forever. Furthermore, the Act of 1872 clearly laid out the terms of allotment for this group, and it

⁴⁰⁹ In later years the allotting agent was given orders to allot the Citizen Potawatomi in the south and the Absentee Shawnee in the north. The Citizen Potawatomi quickly challenged the authority of this order.

⁴¹⁰ *S. Doc. No. 64*, 51st Cong. 2nd Sess. (1891), 4.

did not include any limitations about location. The Absentee Shawnee, contrarily, outnumbered the Citizen Potawatomi almost two-to-one in 1872 and had decades of occupancy on the land. They had never taken government aid and were also legally allowed to claim personal plots of land per the specifications of the Act of 1872.

Neither tribe did anything outside of the law to call their right to claim personal plots of land into question. It was the failure of the federal government that made the allotment experience for the Citizen Potawatomi and Absentee Shawnee so convoluted and confusing, making any efforts to improve the land a risk on the part of the individual Indian. Unlike the white settlers who seemed to have little regard for the Indians on whose land they settled, the Potawatomi were more circumspect. The OIA made matters worse. They could have avoided subjecting the tribes to years of frustration and hardship if they had made an effort to find a long-term solution to the land claims of both tribes from the beginning and remained consistent, but they did not.

After Congress passed the Act of 1872, federal officials urged members of both tribes to choose their allotments. The majority of Absentee Shawnee did not want to take allotments in severalty, instead requesting that the portion of the Potawatomi's reservation that lay north of Little River (where the vast majority of the Absentee Shawnee lived) be given to them as a separate reservation held in common. Their aversion only partially lay in a reluctance to abandon the cultural tradition of common land ownership. The main cause for their opposition to allotment was the presence of the Citizen Potawatomi on the same reservation. As long as the federal government did not issue land in severalty there was a chance that it would create a permanent division between the two tribes.⁴¹¹ Adding to their resistance was the stipulation in the act of May

⁴¹¹ Ibid., 3.

23, 1872 requiring that allottees be of pure or mixed Absentee Shawnee blood. A certain portion of the individuals living among the Absentee Shawnee were from other tribes, and would therefore not be eligible for land. They reasoned that if they held the reservation lands in common this would not be an issue.⁴¹² Despite their reluctance, in November of 1875, the allotting agent convinced 327 Absentee Shawnee to claim the land they already occupied as their allotment; 131 Citizen Potawatomi also chose allotments at this time.⁴¹³ The ineptitude and vacillation of the federal government produced delays of several years before attempts were made to issue titles for the plots chosen by the Citizen Potawatomi and Absentee Shawnee in 1875.

The OIA's indecision about the Citizen Potawatomi's legal status was the primary obstruction to the issue of titles for their land. In January of 1884 to April of 1885, the OIA issued eleven titles, with the cost of \$193.60 reimbursed to the federal government. The Secretary of the Interior denied the rest, stating that, "the nation had become extinct by reason of all its members being made citizens."⁴¹⁴ In the case of the Absentee Shawnee, the impediment was a record keeping error. The allotment agent did not correctly classify allottees in the original register, so a new register had to be created. In the intervening years, the Absentee Shawnee, who were initially hesitant to take allotments, resolved to prevent the federal government's allotment efforts. In an attempt to pressure the federal government into letting them take their land in common, when special allotting agent Townsend visited the Absentee Shawnee in 1883 to issue titles to

⁴¹² RCIA, 1884, 95.

⁴¹³ RCIA, 1886, 143. Murphy, 306. It took some time to attain an allotment, so it can be assumed that the population in 1875 was above 131. Twelve of these allotments were granted to John and Peter Anderson and their families. This family would later become involved in a law suit to have the titles to their plots issued to them. *S. Doc. No. 64*, 51st Cong. 2nd Sess. (1891), 17.

⁴¹⁴ *Ibid.*, 6, 8. No more details about why those eleven titles were granted, but there was a note in the instructions for allotting agent N.S. Porter that "should any questions arise regarding the eleven allottees who have received their certificates, it will be considered hereafter."

the lands they claimed in 1875, they refused to accept.⁴¹⁵ OIA officials blamed the Absentee Shawnee's refusal to take titles to their allotments in 1883 after their initial acceptance of the idea in 1875 as "the influence of the chiefs and the superstitions of some of the non-progressive Indian."⁴¹⁶

The trouble between the Citizen Potawatomi and Absentee Shawnee over land division and settlements simmered for years, but conflict between the two tribes over land did not begin, in earnest, until 1883. In that year the agent reported that, in recent years, some of the Citizen Potawatomi who originally settled in the southern portion of the reservation, below the Little River, migrated north and took land among the Absentee Shawnee. The Absentee Shawnee were upset because they believed that there was a division, even if it was simply implied, between the tribes at the Little River that bisected the reservation. The Citizen Potawatomi, accurately, argued that a definitive line between the two groups was never established and claimed they left their lands in the southern portion of the reservation because the plots in the north were a better quality for agriculture. They also reasoned that the federal government was not going to support the Absentee Shawnee's claims that they owned the northern lands since the federal government never issued certificates of ownership to the Absentee Shawnee due to the tribe's refusal to take their land in severalty.⁴¹⁷

The Citizen Potawatomi had learned many painful lessons about the uncertainty of one's land tenure over the decades. The parents and grandparents of these individuals were of the generation that was pushed out of their ancestral homelands in the Great Lakes. Many of these individuals had lived on at least three different reservations in their

⁴¹⁵ Ibid., 2.

⁴¹⁶ Ibid.

⁴¹⁷ RCIA, 1886, 143. Hacker, "Confusion and Conflict: A Study of Atypical Responses to Nineteenth Century Federal Indian Policies by the Citizen Band Potawatomis," 87.

life, each one promised to their tribe for eternity. So, when the Absentee Shawnee refused to accept titles for their land the Citizen Potawatomi moved north onto the more arable lands. They had learned to act in their self-interest, regardless of the tensions it might cause with another Indian nation.⁴¹⁸

ORGANIZING TO PROTECT THE RIGHTS OF INDIVIDUALS AND THE TRIBE: DAWES ACT VS. ACT OF 1872

The messy struggles for personal rights or land claims did not wholly consume life in Indian Territory; in many ways it was very similar to that of other communities trying to become established on the American frontier. The average Citizen Potawatomi who moved onto the prairie lands of the Great Plains spent most of their days working to establish a means to support their family and to create a new life. Reports from their agents note that throughout the late 1870s and the 1880s the number of Citizen Potawatomi moving to the reservation steadily increased and they progressively brought more land under cultivation and developed herds of livestock.⁴¹⁹ Like every person who made a living from the land, some years were prosperous and others brought hardship through extenuating circumstances like drought or crop failure.

When tribal members in Indian Territory did need to confront the federal government about their rights they eventually turned to the familiar political structure of a Business Committee, like the one that the tribe created in Kansas to negotiate and carry out the treaty of 1861. From 1872 until the Citizen Potawatomi were assigned to the Sac and Fox Agency in 1877 there are few records for the tribe, so the details of how the

⁴¹⁸ Though neither study extends into the 1870s, this behavior on the part of the Citizen Potawatomi supports and further complicates the assertions of R. David Edmunds and John Bowes that the Potawatomi were pioneers. Decades after removal from their homeland the Potawatomi are pioneers by those scholars' definitions, but now they are also appropriating the actions of non-Indian settlers who forced their will by moving onto lands that they desired before there was a clear legal authority for them to do so.

⁴¹⁹ RCIA, 1877, 106; RCIA, 1880, 92; RCIA, 1881, 102; RCIA, 1882, 87; RCIA, 1883, 86; RCIA, 1884, 95.

Business Committee was reorganized in Indian Territory are unclear. A few letters, composed on behalf of the tribe and containing several signatures, were sent to the OIA in the early 1880s. None of these letters claimed to be from the Business Committee, however, so there was likely not a formally organized body at this point. Several of the members of the Citizen Potawatomi's original Business Committee, including Joseph Napoleon Bourassa and Lewis Vieux, did not choose to move to Indian Territory. As a result, a new group of Citizen Potawatomi tribal members stepped into leadership roles. The first mention of an official Business Committee in Indian Territory was in 1887.⁴²⁰ The following year the Sac and Fox Indian agent lamented that none of the tribes in his agency had adopted the rules governing the court of Indian offenses, but offered that the Citizen Potawatomi at least had a Business Committee to decide cases of dispute between tribal members.⁴²¹

The few academic works that discuss the Citizen Potawatomi's history from the last half of the nineteenth century are highly critical of the Business Committee. Historians Craig Miner and William E. Unrau called the establishment of the original Business Committee in Kansas "chief-making at its best," and described the men as "a conniving cadre of Potawatomi leaders" and accused them of being part of "the emerging Potawatomi ring."⁴²² Ethnohistorian and anthropologist James A. Clifton declared that the committee was "little more than a rubber-stamp group doing the bidding of their agent."⁴²³ The primary accusation directed at members of the Business Committee, by both contemporary OIA officials and academics analyzing their actions, was that they

⁴²⁰ *S. Doc. No. 64*, 51st Cong. 2nd Sess. (1891), 10. This Business Committee consisted of Alexander B. Peltier, Baptiste Pambogo, Stephen Negahnquet, and Joseph Moose.

⁴²¹ RCIA, 1888, 112.

⁴²² Miner and Unrau, *The End of Indian Kansas*, 86.

⁴²³ James A. Clifton, *The Prairie People: Continuity and Change in Potawatomi Indian Culture, 1665-1965* (University Of Iowa Press, 1998), 367.

were self-interested men who used their position in the tribe for personal gain. It is easy to criticize these men if one assumes that tribal leaders are supposed to be one-dimensional, altruistic figures who were only concerned with selfless promotion of the tribe. Upon closer examination, it is easy to see that the members of the Citizen Potawatomi Business Committee, and other leaders, were more complicated than their portrayal as conniving, self-interested agents of the government.

The members of the Business Committee were generally well-educated men who could effectively argue for the rights of the Citizen Potawatomi under specific legislation, because they were often present and represented the interests of the tribe when that legislation was drafted. Yet, like other sub-sections of American society, many of them did engage in corrupt activities and took every opportunity to advance their personal interests. Unlike other segments of American society, however, what was most beneficial to the individual committee members usually aligned with the best interest of the tribe as a whole. Furthermore, men like John Anderson, Alexander B. Peltier, Anthony Navarre, and other leaders diligently fought and petitioned to see that the rights of the entire tribe, as well as those of individual members, were protected and clearly defined, regardless of their personal benefit.⁴²⁴

Three key, and interrelated, issues dominated the work of the Business Committee and the correspondence from concerned tribal members to the OIA from the late 1880s through the early 1890s. First, the Citizen Potawatomi wrote dozens of letters each year to various officials in the OIA demanding that they have a say in whether the Act of 1872 or the Dawes Act of 1887 took precedent as the proper allotment law that would be applied to their community. Secondly, they passionately argued that Citizen Potawatomi

⁴²⁴ Anthony Navarre no longer served as a member of the Business Committee in Indian Territory, but he did regularly petition for the rights of the tribe.

women should receive allotment rights that were equal to male tribal members. Finally, members of the Business Committee and concerned tribal members insisted that they needed to have the final determination in who was considered a member of their tribe and whether each individual was eligible for an allotment or not. While this might concentrate power in the hands of the Business Committee, it took it out of the hands of the federal government.

The primary event that caused the Citizen Potawatomi to become so insistent and organized in their demands for more control over their affairs in the late 1880s was Congress' passage of the General Allotment (or Dawes) Act of 1887. The Dawes Act was the federal government's first major attempt to end the Native American practice of communal land ownership, to dissolve tribal governments, and to encourage individual Indians to live on and improve private property like non-Indians.⁴²⁵ One could argue that the Potawatomi were used as a model. In 1887, the Commissioner named N.S. Porter as special allotting agent for the Citizen Potawatomi and the Absentee Shawnee to carry out the general terms of the Dawes Act.⁴²⁶

Instead of aiding the progress of allotting the Citizen Potawatomi's reservation and bringing it under cultivation, the Dawes Act served to, yet again, complicate land ownership among the Potawatomi. The Citizen Potawatomi and Absentee Shawnee already had legal guidelines for allotment in place. The only thing inhibiting the conveyance of titles for those allotments was the OIA's internal conflict over the Citizen Potawatomi's legal status and the Absentee Shawnee's refusal to participate in the earlier

⁴²⁵ The General Allotment Act popularly became known as the Dawes Act because of Senator Henry L. Dawes, the chairman of the Committee on Indian Affairs. Dawes urged Congress to uphold its treaty obligations to tribes and advocated for individual Indians to receive allotments large enough to survive as farmers and stock raisers. Fixico, *Bureau of Indian Affairs*, 89–90.

⁴²⁶ Special Cases, compiled 1880-1907, documenting 1821-1907, box 133, Secretary of the Interior (acting) to Commissioner of Indian Affairs, August 11, 1887, RG 75, NA.

program. The passage of new allotment legislation brought up the natural question – which allotment law took precedence, the Act of 1872 or the Dawes Act?

It was during this controversy over which act would dictate the terms of their allotment that the Citizen Potawatomi skillfully argued for dual legal rights as Indians and U.S. citizens. The Absentee Shawnee generally preferred the Dawes Act, because it gave them the right to choose larger allotment plots than the Act of 1872, at no cost. Still generally opposed to any allotment efforts until a clear dividing line was established between them and the Citizen Potawatomi, they did not eagerly pursue allotments under this act. Many Citizen Potawatomi, however, favored the Act of 1872 because, though the Dawes Act allowed them to claim land for free, under the Act of 1872 any adult over the age of twenty-one, including married women and single people, could purchase 160 acres. Though it should be noted that this was not universally the case; many Citizen Potawatomi preferred the Dawes Act.

In December of 1887, Anthony F. Navarre wrote a letter to the Commissioner of Indian Affairs, J.D.C. Atkins, in which he argues that the more agreeable conditions of the Act of 1872 should be applied to the Citizen Band rather than the Dawes Act. The Act of 1872 allowed for the allotment of land to “each head of a family, and to each other member twenty-one years of age, not more than one-quarter section.”⁴²⁷ This included women who were heads of their households and even unmarried adult women. Under the Dawes Act only heads of households could receive allotments. The Dawes Act did not explicitly state that only males could be heads of households, but the members of the Citizen Potawatomi recalled the trouble they faced when they took allotments in Kansas and provisions were not made for women to receive land as the head of their household.

⁴²⁷ Ibid.

Many Citizen Potawatomi women were married to non-Indians, so it was important that their rights be equal to those of Citizen Potawatomi men.⁴²⁸

Therefore, under the Act of 1872, the Citizen Potawatomi were entitled to a greater amount of acreage and there were no restrictions that only heads of households could claim the full acreage for adults. In light of these differences Navarre protested that:

The Pottawatomie Citizens' Band are citizens of the United States; hence the law of February, 1887, is not applicable to that band, but only to Indians in 'tribal relations' and other Indians not citizens of the United States.

Therefore, in behalf of my people I appeal earnestly for your decision at once upon the question as to the quantity of acres of land we are entitled to, and as to the right to select anywhere within the said tract the allotments of our lands.⁴²⁹

By invoking the band's U.S. citizenship and pointing out that they did not fall under heading of Indians in "tribal relations," Navarre used the terminology the government had used as it made excuses to dispossess the Potawatomi of their land in order to argue for the collective rights of his tribe. Navarre claimed that the Citizen Potawatomi had the rights of both United States citizens and of other Native Americans. Just as the federal government could choose to recognize or ignore the Citizen Potawatomi's U.S. citizenship as it benefitted their cause, the Citizen Potawatomi could also invoke their rights as U.S. citizens and Native Americans interchangeably as it suited their needs.

Yet, the Citizen Potawatomi were not content to live with this ambiguity and continued to press for recognition of their rights. An estimate from May of 1887 puts the

⁴²⁸ In 1866 an amendment was passed to make all adults, regardless of sex, eligible for a quarter-section of land under the 1861 allotment treaty. Kappler, *Indian Affairs: Laws and Treaties*, II:916.

⁴²⁹ *S. Doc. No. 64*, 51st Cong. 2nd Sess. (1891), 9.

number of tribal members on the reservation in Indian Territory at 306 individuals.⁴³⁰ According to a letter from Commissioner Atkins there were supposedly an additional one thousand Citizen Potawatomi residing in Kansas who would not move to Indian Territory unless they were assured that they could take their allotments anywhere within the reservation.⁴³¹ This included the fertile lands north of the Little River that were claimed by the Absentee Shawnee.⁴³²

The increasing political aptitude of the Citizen Potawatomi is made even more evident by their lack of reliance on their Indian agent or the Commissioner of Indian Affairs to decide these important questions. In November of 1887, A.B. Peltier, Baptiste Pambogo, Stephen Nehahonquot, and Joseph Moose, all members of the Business Committee, bypassed their agent and wrote a letter directly to President Grover Cleveland to present their argument for the more favorable conditions of the Act of 1872 to be put into place.⁴³³ They ignored the pressure to recognize traditional Anglo-American gender roles by pointing out that the Dawes Act excluded women of the tribe from taking allotments as heads of households. They also reinforced their assertion that the terms of the treaty of 1867 stipulated that the Citizen Potawatomi had the right to select their allotments from anywhere within the thirty-mile-square tract. They expressly demanded that they be given the rights accorded to them *as citizens and as Indians* by past treaties.⁴³⁴

⁴³⁰ Ibid., 3.

⁴³¹ This threat did not keep some Citizen Potawatomi from emigrating. The report from the Sac and Fox agent from 1889 put the number of Citizen Potawatomi on the reservation at six hundred, doubling the population from 1887 to 1889.

⁴³² *S. Doc. No. 64*, 51st Cong. 2nd Sess. (1891), 10.

⁴³³ Nehahonquot is also spelled Negahnquet.

⁴³⁴ *S. Doc. No. 64*, 51st Cong. 2nd Sess. (1891), 10.

Throughout 1888 and 1889 the offices of the OIA and the Department of the Interior were flooded with letters from Citizen Potawatomi tribal members. The first letters simply inquired as to why the Citizen Potawatomi could not make allotment selections north of the Little River, where the better farm land lay. Later, the Citizen Potawatomi writing letters became more forceful, insisting that they be allowed to make such selections. Commissioner of Indian Affairs, T.J. Morgan, reported to the Secretary of the Interior in December of 1889 that N.S. Porter, the Citizen Potawatomi's allotment agent, complained of an increased determination on the part of the Citizen Potawatomi to disregard his instructions to take land south of the Little River. He bemoaned to his superiors that "they are daily annoying him by demanding land on North Fork, and stating that they propose to take it wherever they desire, regardless of instructions or law."⁴³⁵ This was a lesson the Citizen Potawatomi learned from the non-Indian squatters who repeatedly moved onto their lands and were eventually backed by the federal government.

The Citizen Potawatomi's protests were often met with contempt. The frustration of some OIA officials toward the Citizen Potawatomi's demands for the rights given to them by past treaties was expressed using the familiar argument that they were given a chance to succeed and failed, when Commissioner J.D.C Atkins protested in December of 1887 that:

I do not see that these Indians have any cause for complaint. They were allotted lands in Kansas, made citizens of the United States, and paid their pro rata share of the funds of the tribe. After they had sold their allotted lands and wasted their substance in riotous living there were allowed to select a tract of land in the Indian Territory, upon which other Indians had been living prosperously and contentedly for more than 30 years. Within the tract they were allowed the

⁴³⁵ Ibid., 14.

privileges of purchasing from the Government a certain quantity of land each at the cost price of the same. In 15 years but eleven members have availed themselves of this privilege.⁴³⁶

The Commissioner's assertion that only eleven Citizen Potawatomi "availed themselves" of the opportunity to take allotments blatantly omits information that was pertinent to this case. The federal government denied titles to over one hundred and thirty tribal members who attempted to take allotments in 1875. At the time of the Commissioner's report, Agent Porter was in the process of making 315 allotments under the terms of the Dawes Act.⁴³⁷ The Commissioner's tone of both frustration and annoyance suggests that whenever the Citizen Potawatomi displeased the OIA, officials would fall back onto a baseless argument about the Citizen Potawatomi's failed opportunities to assimilate. He did not acknowledge the role the OIA's contradictory and detrimental policies played in the scenario.

After meeting resistance to their petitions, and later their demands, for permission to take allotments under the Act of 1872 on any part of the reservation, a few Citizen Potawatomi changed their tactics. In the summer of 1889, John and Peter Anderson hired an attorney, D.A. McKnight, to assist them in their struggle to claim the land they lived on and improved in the northern section of the Citizen Potawatomi reservation. In their petition the brothers insisted that they had the right to choose the amount of land allowed by the Act of 1872, but under the terms of the Dawes Act that authorize them to take the land at no cost. If this was not granted, they professed that they should be allowed land allotments under both acts, since they were both valid. Their attorney, D.A. McKnight,

⁴³⁶ Ibid., 10. The hostility of the Commissioner has obvious roots in the federal government's 1871 statute that "hereafter no Indian nation or tribe within the territory of the United States shall be acknowledged or recognized as an independent nation, tribe, or power with whom the United States may contract by treaty." 16 *United States Statutes* 566, see Francis Paul Prucha, *Documents of United States Indian Policy*, (Lincoln: University of Nebraska Press, 1975) 135.

⁴³⁷ RCIA, 1889, 200.

filed a supporting brief pointing out that the Dawes Act did not include a “clause repealing former acts, and repeal by implication are never allowed, unless there is an irreconcilable conflict between the two acts.”⁴³⁸ The following winter McKnight filed applications with the OIA for the brothers and their families to take their allotment selections north of the Little River and by the terms of the treaty of 1872. Two weeks later, he filed for an allotment title in the name of Julia Anderson, Peter Anderson’s deceased wife, for the lands allotted to her in 1875.⁴³⁹ While they didn’t receive land under each allotment act, the Potawatomi did achieve what they wanted most: control.

By acting together and persistently presenting their petitions to the federal government the Citizen Potawatomi were able achieve their goal. On July 11, 1890, President Benjamin Harrison approved a recommendation by Secretary of the Interior John H. Noble requesting that “authority be granted to the Citizen Pottawatomie Indians to elect whether they will take allotments under the act of 1872 or 1887.”⁴⁴⁰ The Anderson brothers received titles to the lands they lived on north of the Little River. It was an important victory and set an important precedent.⁴⁴¹

Even before the passage of the Dawes Act, which spurred a flurry of political action on the part of the Citizen Potawatomi, several Citizen Potawatomi were demanding that the tribe have ultimate say over tribal membership, not the allotting agent. On May 9, 1883, a group of Citizen Potawatomi men wrote a letter to Major J.V. Carter, the Sac & Fox agent, contending that Special Agent Townsend was allowing all white men who were married to Citizen Potawatomi women to enroll as members of the

⁴³⁸ *S. Doc. No. 64*, 51st Cong. 2nd Sess. (1891), 15.

⁴³⁹ *Ibid.*, 14.

⁴⁴⁰ *Ibid.*, 20.

⁴⁴¹ Harrison likely agreed with the compromise so that the OIA could hurry along the allotment process and free up land to be opened to non-Indian settlement.

tribe despite the band's "unanimous protest" and the fact that the Act of 1872 gave the Citizen Potawatomi full discretionary rights to designate "who shall be members of the Citizen Band of Pottawatomies."⁴⁴² They also recalled that in the 1861 treaty, non-Indians became members of the tribe "by an act of our council and not by marriage," and only then did the non-Indian spouses receive land and annuities like any other member of the band.⁴⁴³

These efforts only increased after the Dawes Act. In September of 1889, David Laughton, who wrote several letters demanding he be allowed to live north of the Little River, also penned a letter criticizing the allotting agent for allotting non-Indian men with Indian wives before enrolled tribal members. He insists that the agent was acting under the command of a Commissioner who "has never seen an indian previous to his election to said office."⁴⁴⁴ That same year, Alex B. Peltier, the Chairman of the Citizen Potawatomi Business Committee, wrote to the Secretary of the Interior that Agent Porter was allotting land to individuals who had "not a shadow of a right" and claiming that they were "frauds." Peltier argued that "we know our people," therefore, any person who was not clearly eligible for an allotment should have to prove their eligibility before the Business Committee instead of OIA officials.⁴⁴⁵ These petitions suggest that the Citizen Potawatomi had their own ideas about citizenship. While officials in the OIA failed to

⁴⁴² Bourbonnais Collection, Citizen Potawatomi Nation Cultural Heritage Center Archives, Government Documents 62-64. The Act of 1872 specifically states that "for the protection of the rights of persons and property among themselves, they may enforce the laws and usages heretofore among them as an Indian tribe." Kappler, *Indian Affairs: Laws and Treaties*, IV:947.

⁴⁴³ The concerned Citizen Potawatomi men were likely trying to avoid an influx of what the nineteenth century press often called "squaw men," a derisive term for men who married Indian women as a means of obtaining land. For more on the gendered inferences of that term see David A. Chang, *The Color of the Land: Race, Nation, and the Politics of Landownership in Oklahoma, 1832-1929*, First Edition (The University of North Carolina Press, 2010), 77.

⁴⁴⁴ Special Cases, compiled 1880-1907, documenting 1821-1907, box 133, David Laughton to T.J. Morgan, September 9, 1889, RG 75, NA.

⁴⁴⁵ Special Cases, compiled 1880-1907, documenting 1821-1907, box 133, Alex B. Peltier to Secretary of the Interior, May 23, 1889, RG 75, NA.

commit to the Citizen Potawatomi's U.S. citizenship, it was more important to these individuals to regulate and define who could achieve a culturally-based citizenship.

Some people associated with the tribe did not understand the cultural importance of the Citizen Potawatomi having ultimate control over who had rights as tribal members. W.H. Weld was a non-Indian man married to Catherine (Countryman) Monroe, a Potawatomi woman. In 1887 she left W.H. Weld and later that year Agent Porter allotted all of the buildings and most of the land they lived on to Catherine and named her as head of the family. Weld argued that he was always considered the head of their family and that Catherine claimed that he must pay her rent if he wants to stay on the property. Weld insisted that Agent Porter "knew I was a citizen of the nation," and warned that if the agent continued to support Potawatomi women who wanted to dispossess their non-Indian husbands one "might infer that a man of white blood has no rights here to be respected."⁴⁴⁶ His glib assertion was now legally true.

PREPARING INDIAN TERRITORY FOR NON-INDIAN SETTLEMENT

The years of fighting for the right to choose allotments where they wanted, as well as determining their dual legal rights as Native Americans and U.S. citizens prepared the Citizen Potawatomi for the negotiations they faced with the federal government to open their land to non-Indian settlement. The passage of the Dawes Act paved the way for the opening of the "surplus lands" of Indian Territory, just like the allotment treaties in Kansas. In this case, the federal government decided to make the land available through a land run. Participants would gather at a predetermined location

⁴⁴⁶ Special Cases, compiled 1880-1907, documenting 1821-1907, box 133, W.H. Weld to Secretary of the Interior, May 12, 1888, RG 75, NA. W.H. Weld married a Potawatomi woman in 1844. He was "regularly adopted" into the tribe when he was allowed by the tribal council to be included on the census that followed the 1861. In 1872 he moved, as a widower, to the reservation in Indian Territory with his children, and the next year married Catherine Munroe.

and, by the firing of a pistol, race to claim an available piece of land. After the OIA and individual tribes found solutions to most of the difficulties and specific issues, the OIA quickly worked to allot land to each Indian. Once the allotments were complete the OIA arranged a survey of the remaining lands and divided them into plots.

The general Indian-hating character of these emigrants might have been a burden on the tribes in Indian Territory and the OIA, but the sheer number of non-Indians was also a legal nightmare. Agents reported, in 1880, that six thousand non-Indians were reported to be living in the area without permit or legal right, ten years later an estimated one hundred and forty thousand non-Indians were settled there. Of this number forty-eight thousand were laborers employed by Indians, twenty-six thousand were employees of the federal government or a corporation operating in Indian Territory, two thousand were categorized as travelers, and at least sixty-four thousand were intruders with no explanation for why they were in the region.⁴⁴⁷

The Cherokee (or Jerome) Commission visited the tribes of the Sac and Fox Agency in May and June of 1889. They negotiated to purchase the lands of the Citizen Potawatomi and Absentee Shawnee for over a week in the middle of June. The Commissioners sought to determine whatever rights the Citizen Potawatomi and Absentee Shawnee might have to their reservations. According to historian William Thomas Hagan, the Commissioners approached the negotiations with the attitude that both tribes had only limited title to their land.⁴⁴⁸ The talks were temporarily complicated by the Citizen Potawatomi's assertion that they had purchased their land, a claim the Commission initially denied. After consulting officials in Washington, D.C., the Commissioners were told not to pursue the argument and do whatever was necessary to

⁴⁴⁷ RCIA, 1880, 216; Ibid., 1890, 93.

⁴⁴⁸ Hagan, *Taking Indian Lands*, 56.

make the land deal. The Commissioners also included a statement in the agreement that both tribes had to be allotted under the Dawes Act from then on, since it would give less land to the Indians and reserve more for non-Indian settlers.⁴⁴⁹

Much to the Commissioners distress, the Citizen Potawatomi had an attorney present at all of the negotiations. It was likely their foresight to bring legal counsel that provided for the inclusion of a statement in the agreement that the Citizen Potawatomi could sue for the \$119,790.75 they originally paid for the reservation.⁴⁵⁰ The Commissioners were eventually able to acquire 325,000 acres at a rate of sixty-nine cents per acre after fourteen hundred acres were set aside for the Citizen Potawatomi and six hundred and fifty for the Absentee Shawnee. For their cessions the Citizen Potawatomi were paid \$160,000 and the Absentee Shawnee \$65,000. These payments were made to individual tribal members as per capita payments.⁴⁵¹ The Citizen Potawatomi Business Committee agreed to the arrangement with the Cherokee Commission and it was endorsed by seventy-five signatures of tribal members.

In 1890 the Potawatomi's Indian agent reported that since the departure of the Cherokee Commission "boomers and sooners" infested the reservation.⁴⁵² These landless, non-Indians migrated throughout the reservation living out of wagons and camping. They were a nuisance to the Potawatomi because they cut timber and took

⁴⁴⁹ President Harrison's decision in 1890 overturned this element of the agreement and let the Citizen Potawatomi choose which allotment act they would follow. *S. Doc. No. 64*, 51st Cong. 2nd Sess. (1891), 20.

⁴⁵⁰ Hagan, *Taking Indian Lands*, 57.

⁴⁵¹ There were not fourteen hundred Citizen Potawatomi in Indian Territory at that point, but the Commissioner of Indian Affairs insisted that land be set aside for the Citizen Potawatomi who were still in Kansas and were eligible to move south. In 1968 the Citizen Potawatomi brought suit with the Indian Claims Commission for monies they claimed they were eligible to receive from this agreement. The tribe insisted that the land was actually worth \$3 per acre in 1890, and that because they were given the land in the treaty of 1867 and paid for it they should have received all of the payment for the surplus lands. The Indian Claims Commission found in the Citizen Potawatomi's favor, finding that they had exclusive rights to income from the sale and granted them \$797,508.99. The Absentee fought the decision and in 1999 the Supreme Court found that the Citizen Potawatomi had sole proprietary rights to the reservation lands. *Ibid.*

⁴⁵² RCIA, 1890, 201.

other resources needed for survival without permission. The Potawatomi's agent, Samuel L. Patrick, was more concerned about the detrimental effect these individuals could have on the opening of surplus lands in the land run. He complained that unless the military worked to evict the intruders "their numbers in hiding will be sufficient to occupy, and will so do, a large portion of choice land." He noted that the Potawatomi reservation was "especially infested with this class of riff-raff whites."⁴⁵³

At the conclusion of the Jerome Commission's work it was decreed by the Secretary of the Interior on February 26, 1891, that any non-Indian living in Indian Territory were doing so unlawfully and should immediately leave from the area or they would be disqualified from claiming land when the surplus acres were opened to non-Indian settlement later that year. Many of the non-Indians living and working on the reservations within the Sac & Fox Agency left the reservations at that time so they would not impair their homestead qualifications.⁴⁵⁴

On September 22, 1891 more than three hundred thousand acres of surplus land on what used to be the Citizen Potawatomi reservation was opened to the land run. Family histories record that some of the Citizen Potawatomi rode over to the starting line of the race to watch the commotion.⁴⁵⁵ In one afternoon they would watch hundreds of thousands of the acres they fought the Absentee Shawnee to claim disappear into the hands of non-Indian settlers. It was not the first time the federal government reneged on a land agreement they made with the Citizen Potawatomi, but it was the first time they saw the agreement dissolved in such a literal and dramatic fashion.

⁴⁵³ RCIA, 1891, 361.

⁴⁵⁴ Ibid., 360.

⁴⁵⁵ Bourbonnais Collection, Citizen Potawatomi Nation Cultural Heritage Center Archives, History Documents 134.

CONCLUSION

When the straggling groups of Citizen Potawatomi left Kansas for their new reservation in Indian Territory, none knew what to expect. These individuals, along with their parents and grandparents, were told on several previous occasions that once they moved just a little farther away from non-Indian society they would be left to themselves on land that would belong to them forever. These promises always proved false. So, the Citizen Potawatomi understood that their lives in Indian Territory were not going to be without trials and tribulations. None of them, however, could have anticipated the decades-long battles they would have to wage to see the rights to which they were entitled realized.

The Citizen Potawatomi's "quasi-citizen" legal status left them vulnerable to accusations from federal officials who questioned their right to claim land in Indian Territory and exacerbated the struggle they had with the Absentee Shawnee over land rights on the reservation. Yet, it also provided them with both the resolve and rights to fight for their land against the Absentee Shawnee and when the federal government attempted to impose the Dawes Act upon them. With years of relentless petitions and a honed competence to understand the benefits of their unclear legal status, the Citizen Potawatomi overcame these challenges and established a strong community in Indian Territory. By the late 1880s, Mary Bourbonnais and other tribal members were able to articulate their arguments, cite pertinent legislation, and effectively fight for their individual and collective rights.

Conclusion

When the men and women who became the Citizen Potawatomi arrived at their agency on the Kansas River on November 15, 1861 to sign their allotment and citizenship treaty, they understood they were enacting sweeping changes for their community. In the three previous decades the Potawatomi had survived multiple removals to make way for hopeful settlers and enthusiastic entrepreneurs, hungry to seize the opportunity for new beginnings and success by participating in the rapid expansion of developing territories in the United States. Each time they moved they hoped it was far enough to be out of the reach of non-Indian land hunger, but it was never to be.

In the 1860s, federal officials began to accept that removing Indians to Kansas and other regions west of the Mississippi River did not solve the “Indian problem.” The real problem with Indians was that they did not live by the dominant tenants of American society and they controlled vast amounts of land. To remedy this situation the OIA slowly transitioned from a national Indian policy of removal and reservations, to one of assimilation through land ownership and U.S. citizenship. Negotiating treaties and enacting legislation to acculturate Native Americans forced large reserves owned by the tribes in common to be carved up into individual plots and obligated the Indians to cede control of huge tracts of land. Each treaty and law considered in this dissertation, from Potawatomi-specific agreements to the pieces of legislation with a broader reach, is evidence of the federal government’s concerted efforts to use assimilation and land reform to dispossess Native Americans of their land base.

By signing the treaty of 1861 the Citizen Potawatomi abandoned their traditional relationship with the federal government and set down a new path with the hope that taking allotments and U.S. citizenship would afford them the luxury of resisting removal

and grant them some control over their destiny. This project examined how the Citizen Potawatomi responded to the federal government's assimilation and land policies of the 1860s through the 1890s, using federal laws and treaties, like the allotment and citizenship treaty of 1861, as the guideposts. This socio-legal approach allows this narrative to fall within a broad history of Indian policy in the nineteenth century while acknowledging the imbalanced, but not completely one-sided power relationship between the Citizen Potawatomi and the federal relationship between the federal government and the Citizen Potawatomi to remain true. As successful as the Citizen Potawatomi were at arguing for final say over the details of how these arrangements were carried out on the reservations, they were still at the mercy of Indian policy and all of their actions to secure or gain their rights were reactionary.

This project builds on the earlier scholarship of historians Brad D.E. Jarvis and Emily Greenwald who explored similar situations with the Brothertown Indians in the 1830s and the Nez Perce in the 1880s to show that the creation and intention of these laws and treaties only tell half of the story.⁴⁵⁶ In these native communities, like the Citizen Potawatomi, Native Americans did not always respond the way federal officials hoped. Sometimes these Indians vehemently resisted the laws and other times they accepted, or even welcomed, the federal government's assimilation efforts. The Citizen Potawatomi believed that accommodating federal officials' requests could provide them with some security from further removal – they were wrong.

The Citizen Potawatomi endured a decades-long struggle to realize the rights afforded to them by past treaties. After their dispossession, destitution, and near extinction as a band, in the 1870s and 1880s members of the Citizen Potawatomi made a

⁴⁵⁶ Emily Greenwald, *Reconfiguring the Reservation: The Nez Percés, Jicarilla Apaches, and the Dawes Act* (University of New Mexico Press, 2002); Jarvis, *The Brothertown Nation of Indians*.

fourth and final move to Indian Territory. Here they showed their resolve to be recognized as citizens of the U.S. and citizens of their tribe, privileged to the expressed rights of both groups.

In Kansas members of the Citizen Potawatomi embodied and adopted certain aspects of American culture to secure their land base and protect themselves from further removal. They realized that the government would still exploit them for their land by only selectively recognizing their rights. Years later, when they lived in Indian Territory, they used the weaknesses of the federal government's policies to their favor and they asserted more authority over how those policies were applied to them by manipulating their unclear status as both Native Americans and U.S. citizens.

The Citizen Potawatomi's resolve to use their hybrid status as Indian-citizens proved essential as allotment became the *official* Indian policy of the federal government with the Dawes Act of 1887. They were able to use their knowledge of the legislation to argue that they were still Native Americans, and therefore eligible for allotments under the Dawes Act and for their right to take allotments under whichever allotment act was best for individual tribal members. Hundreds of allotments were made to the Citizen Potawatomi, and per Article V of the act, hundreds of thousands of acres of "surplus lands" were sold to the government at a reduced rate and opened to non-Indian settlers with the land run of September 22, 1891.⁴⁵⁷ In many ways, however, the Citizen Potawatomi fared better than many other tribes who resisted early allotment efforts and were eventually forced into private land ownership with the passing of the Dawes Act, or even later by the work of the Jerome Commission in 1889.⁴⁵⁸ The Citizen Potawatomi

⁴⁵⁷*Act to Provide for the Allotment of Lands in Severalty to Indians on the Various Reservations (General Allotment Act or Dawes Act). Statutes at Large* 24, (1887) 388-391.

⁴⁵⁸ William T. Hagan, *Taking Indian Land: The Cherokee (Jerome) Commission, 1889-1893* (Norman: University of Oklahoma Press, 2003). As noted above, the band eventually won the right to have the more favorable terms of the Act of 1872 applied to their allotments rather than those of the Dawes Act.

ultimately found some degree of security that they had been looking for in their permanent home in Indian Territory.

There are still questions about the Citizen Potawatomi response to Indian policy that need to be addressed by further research. Did the forced allotment of the Prairie Band of Potawatomi under the Dawes Act adversely impact the Citizen Potawatomi who remained in Kansas? There are also many questions left to explore that will lead to a better understanding of how political changes in Oklahoma and Indian Territories shaped Citizen Potawatomi history. For example, how did Oklahoma statehood in 1907 impact the Citizen Potawatomi and their tribal political organization of a business committee? Also, the study can be extended chronologically to examine how the Indian Reorganization Act of 1934, which superseded the Dawes Act and provided for adoption of tribal constitutions, shaped the modern structure of the Citizen Potawatomi tribe.

This analysis of the native response to federal assimilation and land policies only considers the actions of the Citizen Potawatomi, but Congress enacted legislation for many tribes removed to the West and applied some policies, like the Dawes Act, to dozens of tribes. Did other tribes respond in ways that were similar to the Citizen Potawatomi, or did they adapt their own methods of accommodation and resistance? Additionally, there is room to explore the impact of land policies on other groups, like freedmen, who moved to Indian Territory after the Civil War.

While the subject of native responses to federal Indian policies calls for more research, this study reveals that the Citizen Potawatomi did not wholly accept the stipulations of these treaties and laws as they were handed down. Tribal members hoped that they could use adaptation to federal assimilation policies as a tool to secure their homes and land base, and they learned a painful lesson when those efforts failed. By 1891, the Citizen Potawatomi applied those lessons and were able to secure land

allotments under conditions that were the most favorable for individuals in their community. They may have lost the war to live by their own cultural standards, away from the presence and interference of non-Indian peoples and governments, but they did win a few key battles that allowed them to make the most out of the difficult situation. It was a tempered victory.

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